

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, OCTOBER 7, 2024 AT 7:00 PM
EUCLID MUNICIPAL CENTER COUNCIL CHAMBER**

PERMISSIBLE PRELIMINARIES:

FIRST GAVEL

PLEDGE OF ALLEGIANCE

EUCLID CITY COUNCIL MEETING BUSINESS:

SECOND GAVEL

ROLL CALL OF MEMBERS

COMMUNICATIONS:

- None

COUNCIL MINUTES:

- September 16, 2024

ADMINISTRATION REPORTS & COMMUNICATIONS:

COMMITTEE DOCUMENTATION:

- Work Session Summary – September 16,2024
- Safety Committee Meeting Summary – September 18, 2024
- Public Service and Utilities Committee Summary – September 24,2024
- Board of Control Minutes – September 9, 16 and 23, 2024

COMMITTEE OF THE WHOLE

ACTION	LEGISLATION	PROPOSED
Third Reading	<p>1. An ordinance amending, enacting, and repealing various chapters of Part Thirteen of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid. (Sponsored by Planning and Zoning)</p> <p>Comment: This would amend, enact and repeal chapters of the Zoning Code to assist with the development of parcels based on current best practices.</p>	Ord. (101-24)
Second Reading	<p>2. A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to 1510 East 191ST, LLC, applicant, to operate an indoor mini/self-storage facility in a U4-Local Retail or Wholesale Store District, Permanent Parcel Number 646-20-003, 1520 East 191 Street, Euclid, Ohio 44117. (Sponsored by Planning and Zoning)</p> <p>Comment: This would allow a Use District Exception for the operation of an indoor mini/self-storage facility in a U4-Local Retail or Wholesale Store District.</p>	Res. (115-24)
Public Hearing 10/21/2024	<p>3. A resolution granting a Conditional Use Permit pursuant to Section 1359.03(d)(4) of the Codified Ordinances of the City of Euclid, to Dawn Clayton to operate a day care facility at 24750 Lakeland Boulevard, Euclid, Ohio 44132, Permanent Parcel 648-01-009, a dual zoned property of approximately two hundred seventy-five (275) feet in length with the first one hundred eighty-five (185) feet being a U5 – Commercial District and the balance of the parcel a U6-Industrial and Manufacturing Use District. (Sponsored by Planning and Development)</p>	Res. (116-24)

Comment: This would allow for a Conditional Use Permit for the operation of a day care facility at 24750 Lakeland Boulevard.

4. An emergency ordinance authorizing the Director of the Department of Planning and Development of the City of Euclid to enter into a contract with Community Housing Solutions, 12114 Larchmere Boulevard, Cleveland, Ohio 44120, to administer a tenant-based rental assistance program using HOME-ARP program funds totaling Eight Hundred Thirty-Nine Thousand Seven Hundred Forty-Four Dollars (\$839,744.00) for a 12-month period from October 1, 2024, through September 30, 2025. (Sponsored by Mayor Holzheimer Gail) Ord. (117-24)

Comment: This would authorize the City to enter into a contract for the administration of a tenant-based rental assistance program.

5. A resolution to accept the recommendations of the City of Euclid Tax Incentive Review Council (TIRC) for the Tax Increment Financing (TIF) Districts in the City of Euclid for the fiscal year 2023. (Sponsored by Mayor Holzheimer Gail) Res. (118-24)

Comment: This would accept the recommendations of the Tax Incentive Review Council regarding the City's Tax Increment Financing (TIF) Districts.

6. An ordinance authorizing the Mayor or her designee to enter into an agreement with the Euclid Development Corporation, 585 East 222nd Street, Euclid, OH 44123, to administer the distribution of grant funds not to exceed Seven Hundred Fifty-Five Thousand Dollars (\$755,000.00) for the Neighborhood Opportunity Grant Program through December 31, 2026. (Sponsored by Mayor Holzheimer Gail) Ord. (119-24)

Comment: This would authorize the City to enter into a contract for the administration of a resident based home improvement assistance program.

7. A resolution authorizing the Mayor of the City of Euclid or her designee to apply for, accept, and expend a FY2025 Transportation for Livable Communities Initiative (TLCI) program implementation grant for the proposed Euclid Avenue Trail Project. (Sponsored by Mayor Holzheimer Gail) Res. (121-24)

Comment: This would allow the City to apply for, accept and expend funds for a Transportation for Livable Communities Initiative (TLCI) program implementation grant for the proposed Euclid Avenue Trail Project.

First Reading

8. An ordinance repealing Sections 559.06, 1359.05(f)(2)A, and 1385.031, and repealing and replacing Chapter 1388 "Fences" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid related to fences. (Sponsored by Planning and Zoning) Ord. (122-24)

Comment: This would amend, enact and repeal chapters of the Zoning Code to assist with the use and approval of fences based on current best practices.

9. An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for Emergency Repairs to Streets, Sewers and Sludge Lines for the years 2025 and 2026, with an option for a third year extension for 2027. (Sponsored by Councilperson Wojtila by request of the Director of Public Service) Ord. (120-24)

Comment: This would authorize the Mayor, after accepting bids, to enter into a contract for emergency repairs to streets, sewers and sludge lines.

10. An ordinance amending Ordinance No. 133-2023, that established sewer rental and other related charges and authorized sewer service agreements, to reflect new sewer usage rates. (Sponsored by Councilperson Wojtila by request of the Director of Public Service) Ord. (125-24)

Comment: This would set the sewer rates for 2025, 2026, and 2027 for Euclid and other user communities.

11. An emergency ordinance authorizing the Mayor of the City of Euclid or her designee to enter into contract with The Sutphen Corporation, 6450 Eiterman Road, Columbus, Ohio 43016, for the purchase of a top mount pumper fire engine in an amount not to exceed Nine Hundred Thirty-Nine Thousand Seven Hundred Dollars (\$939,700.00). (Sponsored by Mayor Holzheimer Gail) Ord. (126-24)

Comment: This would authorize the Mayor to purchase a new fire engine.

12. A resolution declaring the month of October as Breast Cancer Awareness Month in the City of Euclid, Ohio. (Sponsored by Councilperson Gresham) Res. (123-24)

Comment: This would recognize October as Breast Cancer Awareness Month.

13. A resolution recognizing the month of October as National Domestic Violence Awareness Month for the City of Euclid, Ohio. (Sponsored by Councilperson Gresham) Res. (124-24)

Comment: This would recognize October as National Domestic Violence Awareness Month

**COUNCIL MEMBERS' COMMENT
ADJOURNMENT**



585 EAST 222ND STREET, EUCLID, OHIO 44123-2099

www.cityofeuclid.com

Board of Control

The Board of Control of the City of Euclid met on Monday September 9, 2024 in the Council Chambers to consider business to come before the Board. Chairwoman Holzheimer-Gail called the meeting to order at 4:00 p.m.

ROLL CALL:

Kirsten Holzheimer-Gail, Chairwoman	(P)
Patrick Cooney, Law Director	(P)
James Smith, Finance Director	(P)
Mac Stephens, Recreation Director	(P)
Patrick Grogan-Myers, Plann & Develop Director	(P)
Dan Knecht, Service Director	(P)
MaryAnn Dybiec, Council Representative	(E)

ALSO PRESENT: Police Captain Mitch Houser

ADD TO AGENDA:

MINUTES: Tuesday September 3, 2024

Moved by Director Grogan-Myers and seconded by Director Cooney to approve the minutes of September 3, 2024. Motion passed unanimously.

BID OPENING:

TABULATIONS/RECOMMENDATIONS/AWARDS PENDING: Residential Waste Collection & Recycling

RECOMMENDATION:

FUTURE BID OPENINGS:

REQUISITIONS:

PM Graphics
Amount: \$42,081.10
Mailing of Observer

Moved by Director Smith and seconded by Chairwoman Holzheimer-Gail in the amount of \$42,081.10. Motion passed unanimously.

Blackbird Purchaser
Amount: \$14,900.00
Lakeshore NPW Controller Panel

Moved by Director Smith and seconded by Director Knecht in the amount of \$14,900.00. Motion passed unanimously.

September 9, 2024

Pelton Environmental Products
Amount: \$7,400.00
Program New Magnetic Bearing Controller for Blower C in PA-1

Moved by Director Smith and seconded by Director Knecht in the amount of \$7,400.00. Motion passed unanimously.

Nerone & Sons Inc
Amount: \$70,680.13
Emergency Repair – Sherwood Drive – Storm Sewer Repair

Moved by Director Smith and seconded by Director Knecht in the amount of \$70,680.13. Motion passed unanimously.

LeadsOnline Parent LLC
Amount: \$6,360.00
Cell Hawk Analytics for Det. Bureau Renewal for 10/1/2024 til 9/30/2025

Moved by Director Smith and seconded by Chairwoman Holzheimer-Gail for Captain Houser in the amount of \$6,360.00.
Motion passed unanimously.

GOVDEALS.COM:
CHAIRMAN'S REPORT:
OTHER BUSINESS:
ADJOURNMENT:

Motion to adjourn moved by Director Smith and seconded by Director Stephens. Motion passed unanimously. This meeting adjourned at 4:02pm.

Chairman

Secretary



585 EAST 222ND STREET, EUCLID, OHIO 44123-2099

www.cityofeuclid.com

Board of Control

The Board of Control of the City of Euclid met on Monday September 16, 2024 in the Council Chambers to consider business to come before the Board. Chairwoman Holzheimer-Gail called the meeting to order at 4:00 p.m.

ROLL CALL:

Kirsten Holzheimer-Gail, Chairwoman	(P)
Patrick Cooney, Law Director	(P)
James Smith, Finance Director	(P)
Mac Stephens, Recreation Director	(P)
Patrick Grogan-Myers, Plann & Develop Director	(P)
Dan Knecht, Service Director	(P)
Angela Steele, Council Representative	(E)

Motion to excuse Councilwoman Steele moved by Director Knecht and seconded by Director Stephens. Motion passed unanimously.

ALSO PRESENT: Police Captain Mitch Houser

ADD TO AGENDA:

MINUTES: Monday September 9, 2024

Moved by Director Stephens and seconded by Director Smith to approve the minutes of September 9, 2024. Motion passed unanimously.

BID OPENING:

TABULATIONS/RECOMMENDATIONS/AWARDS PENDING: Residential Waste Collection & Recycling

RECOMMENDATION:

FUTURE BID OPENINGS: Lakeshore Boulevard Pedestrian Refuge Project

REQUISITIONS:

Pepperl Fuchs Inc
Amount: \$5,605.00
New Replacement SCADA HMI Screen

Moved by Director Smith and seconded by Director Knecht in the amount of \$5,605.00. Motion passed unanimously.

MC Crometer
Amount: \$12,795.90
FSDATA Connector Logger and Data Plan Annual Subscription

Moved by Director Smith and seconded by Director Knecht in the amount of \$12,795.90. Motion passed unanimously.

September 16, 2024

Green Vision Materials
Amount: \$24,000.00
2024-2025 Yard Waste Disposal – Effective Dates 9/1/2024 til 8/31/2025

Moved by Director Smith and seconded by Director Knecht in the amount of \$24,000.00. Motion passed unanimously.

Relmec Mechanical LLC
Exceeds Amount: \$3,871.81
Troubleshoot & Repair City Hall HVAC Chiller Barrel & Towers

Moved by Director Smith and seconded by Director Knecht in the amount of \$3,871.81. Motion passed unanimously.

Roper Lock Box LLC
Amount: \$29,690.00
Residential Lock Box Program with the Euclid Fire Department

Moved by Director Smith and seconded by Director Grogan-Myers in the amount of \$29,690.00. Motion passed unanimously.

Davey Resource Group Inc
Amount: \$24,040.00
Urban Forestry Services – Pruning Plan Development & Young Tree Training

Moved by Director Smith and seconded by Director Grogan-Myers in the amount of \$24,040.00. Motion passed unanimously.

Smith Group
Amount: \$74,863.00
Sims Park Playground Relocation & Master Plan Update

Moved by Director Smith and seconded by Director Grogan-Myers in the amount of \$74,863.00. Motion passed unanimously.

Frontline Public Safety Solutions
Amount: \$5,512.50
BWC & MVR Audits & Evaluations Renewal Annual Software

Moved by Director Smith and seconded by Chairwoman Holzheimer-Gail for Captain Houser in the amount of \$5,512.50. Motion passed unanimously.

GOVDEALS.COM:
CHAIRMAN'S REPORT:
OTHER BUSINESS:
ADJOURNMENT:

Motion to adjourn moved by Director Cooney and seconded by Director Grogan-Myers. Motion passed unanimously. This meeting adjourned at 4:04pm.

Chairman

Secretary



585 EAST 222ND STREET, EUCLID, OHIO 44123-2099

www.cityofeuclid.com

Board of Control

The Board of Control of the City of Euclid met on Monday September 23, 2024 in the Council Chambers to consider business to come before the Board. Chairwoman Holzheimer-Gail called the meeting to order at 4:00 p.m.

ROLL CALL:

Kirsten Holzheimer-Gail, Chairwoman	(P)
Patrick Cooney, Law Director	(P)
James Smith, Finance Director	(P)
Mac Stephens, Recreation Director	(P)
Patrick Grogan-Myers, Plann & Develop Director	(P)
Dan Knecht, Service Director	(P)
John Wojtila, Council Representative	(E)

Motion to excuse Councilman Wojtila moved by Director Smith and seconded by Director Stephens. Motion passed unanimously.

ALSO PRESENT: Assistant Fire Chief Rowell

ADD TO AGENDA: Hero Park Landscape Improvements Bid Opening

Motion to add Hero Park Landscape Improvements Bid Opening to the agenda moved by Director Grogan-Myers and second by Director Cooney. Motion passed unanimously.

MINUTES: Monday September 16, 2024

Moved by Director Stephens and seconded by Director Smith to approve the minutes of September 16, 2024. Motion passed unanimously.

BID OPENING: Hero Park Landscape Improvements

Todd Enviroscapes	\$246,938.25
Royal Landscape Inc	\$243,000.00

Motion to accept bids and move to tabulation moved by Director Grogan-Myers and seconded by Director Knecht. Motion passed unanimously.

TABULATIONS/RECOMMENDATIONS/AWARDS PENDING:

RECOMMENDATION:

FUTURE BID OPENINGS: Lakeshore Boulevard Pedestrian Refuge Project
Citywide Signage Program

REQUISITIONS:

GPD Group
Amount: \$81,234.14
Euclid Sewer Study – Invoice #75

Moved by Director Smith and seconded by Director Knecht in the amount of \$81,34.14. Motion passed unanimously.

September 23, 2024

Messina Floor Covering
Amount: \$18,365.32
For the removal of carpet & hard surface flooring replacement in EPD

Moved by Director Smith and seconded by Director Knecht in the amount of \$18,365.32. Motion passed unanimously.

Relmec Mechanical LLC
Amount: \$24,415.00
Emergency Replacement of 2 rooftop HVAC units

Moved by Director Smith and seconded by Director Knecht in the amount of \$24,415.00. Motion passed unanimously.

Endress & Hauser
Amount: \$42,145.47
Lakeshore Plant Influent Mag Meter & Warranty Set Up

Moved by Director Smith and seconded by Director Knecht in the amount of \$42,145.47. Motion passed unanimously.

Alfa Laval Inc
Amount: \$6,781.66
6" Steering Roller Assy (Belt Press)

Moved by Director Smith and seconded by Director Knecht in the amount of \$6,781.66. Motion passed unanimously

Linde Gas & Equipment
Amount: \$28,951.54
Trailer Mounted Diesel Welder (Frontier 400x)

Moved by Director Smith and seconded by Director Knecht in the amount of \$28,951.54. Motion passed unanimously

McMahon Degulis
Amount: \$60,000.00
Legal Representation with respect to potential consent decree modifications

Moved by Director Smith and seconded by Director Knecht in the amount of \$60,000.00. Motion passed unanimously.

GPD Group
Amount: \$70,000.00
Design work for the 2024 Road Program

Moved by Director Smith and seconded by Director Knecht in the amount of \$70,000.00. Motion passed unanimously.

September 23, 2024

ALADTEC
Amount: \$9,528.84
Scheduling Software

Moved by Director Smith and seconded by Chairwoman Holzheimer-Gail for Assistant Chief Rowell in the amount of \$9,528.84. Motion passed unanimously.

GOVDEALS.COM:
CHAIRMAN'S REPORT:
OTHER BUSINESS:
ADJOURNMENT:

Motion to adjourn moved by Director Stephens and seconded by Director Smith. Motion passed unanimously. This meeting adjourned at 4:064pm.

Chairman

Secretary

ADVERTISEMENT FOR BIDS/PUBLIC NOTICE TO BIDDERS

Sealed bids will be received from qualified bidders by the City of Euclid, 585 E. 222nd Street, Euclid, Ohio on or before **September 23, 2024, at 3:30 p.m.** for the Hero Park Landscaping Improvements in the City of Euclid, Ohio. Sealed bids will be opened and read publicly at the Board of Control Meeting at **4:00 p.m. on September 23, 2024.** The Board of Control meets in Council Chambers at the City of Euclid Municipal Building, 585 East 222nd Street, Euclid, Ohio.

HERO PARK LANDSCAPE IMPROVEMENTS

<u>General Contract</u>	<u>Estimate Cost</u>
Base Bid	\$250,937.00

Bid Documents can be obtained from the Planning Division, located at 585 E. 222nd Street, Euclid, Ohio 44123, or on the City of Euclid website at www.cityofeuclid.com. Inquiries must be submitted in writing to the Department of Planning and Development, City of Euclid, E-mail planning@cityofeuclid.com.

Each proposal must contain the full name of the party or parties submitting the proposal and all persons interested therein.

Each bidder must submit evidence of its experience on projects of similar size and complexity.

All contractors and subcontractors involved with the project will to the extent practicable use Ohio products, materials, services, and labor in the implementation of their project. Additionally, contractor compliance with the equal employment opportunity requirements of Ohio Administrative Code Chapter 123 is required.

Each bidder is required to furnish with its proposal a Bid Guarantee and Contract Bond in accordance with Sections 153.54 and 153.571 of the Ohio Revised Code. A bond for the full amount of the bid or a certified check, cashier's check, or letter of credit in the amount of 10% of the bid. Bid security furnished in Bond form, shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety. The sum equal to ten percent (10%) of amount bid, payable to the City of Euclid as a guarantee that if the bid is accepted, a contract will be entered into and its performance properly secured.

The Bid Bond will be returned when the Contract has been executed by the Successful Bidder, or when any Bid is, or all Bids are rejected. The City reserves the right to accept or reject any or all Bids and waive any non-conformities or irregularities contained therein.

This Advertisement for Bids is issued by Patrick Grogan-Myers, Director of Planning and Development, by order of the Council of the City of Euclid, Ohio.

Publish: The News Herald
 September 6, 2024
 September 13, 2024
 City of Euclid Website

Ordinance No.

By – Planning and Zoning Commission

An ordinance amending, enacting, and repealing various chapters of Part Thirteen of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid.

WHEREAS, the Zoning Code of the City of Euclid was originally adopted through Ordinance 2812 on November 13, 1922 and has been amended and updated numerous times in the almost 102 years since its adoption; and

WHEREAS, the City of Euclid is a member for the First Suburbs Development Council, which partnered with the Cuyahoga County Planning Commission to undertake a study of the zoning codes of its 19 member communities and a survey of housing developers to understand zoning barriers to development. Results were accumulated and summarized in a final report, Single-Family Zoning Analysis, Phase 1; and

WHEREAS, results found, amongst other items, that housing developers found zoning codes presented obstacles to development in First Suburbs communities, including Euclid, due to unclear, inconsistent, and conflicting regulations, and that there were numerous regulations that did not match the built environment, such as the fact that 77% of parcels in the U1 and U2 Districts in Euclid do not meet the current Zoning Code requirements for minimum lot width; and

WHEREAS, at its August 13, 2024 meeting, the Planning and Zoning Commission of the City of Euclid made a positive recommendation to City Council that various sections of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid be amended or repealed and three new chapters be enacted.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That various sections of Chapters 1311, 1341, 1357, 1358, 1359, 1362, 1363, 1364, 1365, 1377, 1379, 1381, 1383, and 1385 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid are hereby amended:

1311.03 SIZE OF LOTS.

All lots on the plat of any ~~subdivision shall have a minimum street frontage of seventy-five feet and a minimum area of 7,500 square feet~~ newly established subdivision of more than ten buildable lots shall have a minimum street frontage of fifty feet and a minimum area of 4,000 square feet, except that smaller frontages may be approved for individual lot fronts on curved streets where the width of any such lot increases going from front to rear and where the width of the lot at the probable location of the dwelling house to be built thereon is not less than seventy-five feet. However, the Planning and Zoning Commission, subject to the confirmation and approval of Council, may approve the plat of a subdivision in an old established neighborhood of the City not involving any new streets, containing lots of less width than seventy-five feet, if the lots conform generally to the other lots in the neighborhood. If it appears that any subdivision will not be served within a reasonable time by a public sanitary sewer system, then all lots shall have a minimum frontage of 100 feet and a minimum area of 18,000 square feet unless the subdivision is served by a public water system, in which case the minimum frontage shall be eighty feet and the minimum area 14,400 square feet. However, these requirements with reference to the size of lots not to be served by a public sanitary sewer system may be varied by the Commission upward or downward in individual cases when, in the opinion of the Commission, such action is justified by a written report of the City or County Health Commissioner (whoever has jurisdiction) on the soil characteristics, topography and other conditions of the proposed subdivision.

1341.01 DISTRICTS AND ZONE MAP ESTABLISHED.

For the purpose of regulating and restricting the location of trades, industries, apartment houses, two-family houses, single-family houses and other uses of property, the number of square feet of lot area per family housed, the width of lots, the location and size of yards and the size and height of buildings, the City is divided into ~~42 classes of use districts~~ Zoning Use Districts set forth in Title Nine of this zoning ordinance termed respectively:

- ~~Class U1 or Single Family House Districts;~~ U1 Residential District;
- ~~Class U2 or Two-Family House Districts;~~ U2 Residential District;
- ~~Class U3 or Apartment House~~ U3 Multi-Family Residential Districts;
- ~~Class U3E or Elevator Apartment House Districts;~~
- ~~Class U3EL or Senior Citizens Use Districts;~~

ASF Attached Single-Family Districts;
Class U4 or Local Retail or Wholesale Store Districts;
Class U5 or Commercial Districts;
Class U6 or Industrial and Manufacturing Districts;
Class U7 or Light Industrial Park Districts;
Class U8 or Office Building Districts; and
Class CI or Campus Institutional Use Districts;

Overlay Districts

~~—also into three classes of height districts termed respectively Class H1, H2 and H3; and into four classes of area districts termed respectively Class A1, A2, A3 and A4.~~

All districts are as shown on the Zone Map which is declared to be a part hereof. The use, height and area districts designated on the Zone Map are established. The Map designations and the Map designation rules which accompany the Map are declared to be part thereof and hereof.

No buildings or premises shall be erected or used except in conformity with the regulations in this Planning and Zoning Code prescribed for the respective use, height and area district in which such building or premises are located.

Except where otherwise noted in this zoning ordinance, land is also identified on the Zone Map as belonging to three classes of height districts termed H1, H2, and H3; and into four classes of area districts termed respectively A1, A2, A3, and A4. These Supplemental Height Regulations and Supplemental Area Regulations are set forth in Title Eleven of this zoning ordinance.

In the case that regulations on the Zone Map differ from those set forth in this zoning ordinance, the regulations in this zoning ordinance shall prevail.

**Chapter 1357
U3EL Senior Citizens Use Districts**

1357.01 Compliance Required.

1357.02 Modifications.

1357.02 Senior Citizen Defined.

1357.03 Compliance With Federal Regulations.

1357.04 Senior Citizen Defined.

1357.04 Permitted Principal And Conditional Uses

1357.05 Apartment Size.

1357.05 Accessory Uses

1357.06 Special Requirements.

1357.06 Height, Lot Area And Width, And Setback Requirements.

1357.07 Conformance; Conflict Of Laws.

1357.07 Landscaped Areas And Lot Coverage.

1357.08 Apartment Size.

1357.09 Special Requirements.

1357.10 Conformance; Conflict Of Laws.

1357.01 COMPLIANCE REQUIRED.

In a Senior Citizens U3EL Use the U3EL Senior Citizens Use (U3EL Senior) District no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for a senior citizens use, unless it complies with the provisions of this chapter.

1357.02 MODIFICATIONS.

~~—In order to provide for the utilization of this use classification for senior citizens, all of the existing use regulations shall govern, except those specifically modified as hereinafter set forth, subject to compliance with the enumerated conditions herein.~~

1357.02 SENIOR CITIZEN DEFINED.

“Senior citizen” means an individual 62 years of age or older.

1357.03 COMPLIANCE WITH FEDERAL REGULATIONS.

Every applicant must present evidence that its request for a senior citizens use is in compliance with the rules and regulations of the United States Government concerning age, income and minimum standards for such senior citizens use.

1357.04 SENIOR CITIZEN DEFINED.

—“Senior citizen” means an individual 62 years of age or older.

1357.04 PERMITTED PRINCIPAL AND CONDITIONAL USES

Principal permitted and conditional uses in the U3EL Senior District shall conform to those set forth in the U3 Multi-Family District Section 1354.04.

Additionally, Senior Citizens Apartment Buildings and Senior Citizen Assisted Living Facilities are permitted in the U3EL Senior District.

In order to provide for the utilization of this use classification for senior citizens, all of the existing use regulations shall govern, except those specifically modified as hereinafter set forth, subject to compliance with the enumerated conditions herein.

1357.05 ACCESSORY USES.

Accessory uses in the U3EL Senior District shall conform to those set forth in the U3 Multi-Family District Section 1354.05.

1357.06 HEIGHT, LOT AREA AND WIDTH, AND SETBACK REQUIREMENTS.

Height, lot area and width, and setback requirements in the U3EL Senior Citizens District shall conform to standards for elevator apartment houses as set forth in the U3 Multi-Family District Sections 1354.06 - 1354.10.

1357.07 LANDSCAPED AREAS AND LOT COVERAGE.

Landscaped area and lot coverage in the U3EL Senior Citizens District shall conform to standards set forth in the U3 Multi-Family District Section 1354.12.

1357.05 1357.08 APARTMENT SIZE.

Upon determination by the ~~Planing~~ **Planning** and Zoning Commission that the proposed application complies with the requirements of Section 1358.03, the following specifications shall be in effect:

(a) Minimum Apartment Size:

<i>Number of Bedrooms</i>	<i>Square Feet</i>
1	490
2	640
3	790

1357.06 1357.09 SPECIAL REQUIREMENTS.

Every senior citizens' building shall comply with the following requirements and a statement under oath to the effect that these requirements will be met shall be made a part of the certificate of occupancy.

(a) An applicant desiring to live in a senior citizens' building must have a personal interview with the owner of the building or its agents.

(b) At least one registered nurse or licensed practical nurse will be available 24 hours per day.

(c) An agreement with at least one local hospital for emergencies shall be in effect.

(d) At least one elevator shall be equipped with emergency electric power and be large enough to handle a stretcher.

(e) Interior assembly and recreational areas must total at least 20 feet per dwelling unit.

(f) The coffee shop or cafeteria shall be restricted to the use of the residents of the building and their guests.

1357.07 1357.10 CONFORMANCE; CONFLICT OF LAWS.

The apartment building shall conform in all respects to either ~~Chapter 1355 or Chapter 1356~~ **Chapter 1354**, except as herein provided. In the event of conflict, this chapter shall govern.

1358.03 PERMITTED BUILDINGS, STRUCTURES AND USES.

In an ASF District buildings and land shall be used by right only for the main uses set forth below:

(a) Detached single-family dwellings as permitted in U1 Districts and as regulated in ~~Chapter 1351~~ **1352**; and

(b) Attached single-family condominium dwellings.

1358.05 AREA REGULATIONS AND YARD REQUIREMENTS.

In an ASF District land and structures shall be developed and maintained in accordance with the following area regulations:

(a) Development area: Two acres minimum.

(b) Density: Ten dwelling units per acre maximum. (See subsection (c) hereof for requirements for density increase up to twelve dwelling units per acre maximum.)

(c) Requirements for density increase: The Planning and Zoning Commission may permit on development areas greater than ten acres an increase in the density of dwelling units permitted for each of the following amenities provided. The total density increase permitted in any development shall be no more than twenty percent, with a maximum density of twelve dwelling units per acre.

(1) Construction materials. Increase in density of five percent if all exterior walls of main and accessory buildings are faced with masonry material such as brick or stone as approved by the Architectural Review Board;

(2) Underground or attached garages. Increase in density of 5% if required enclosed parking is provided underground or below each unit and does not add to the total building coverage;

(3) Additional enclosed parking and storage. Increase in density of 5% if one additional enclosed garage space and 40 square feet of additional private storage space are provided for each unit;

(4) Not adjacent to U1 District. Increase in density of 5% if no portion of the development abuts land zoned U1 within the City.

(d) Lot width at:

(1) Building line: One hundred feet minimum.

(2) Street line: Sixty feet minimum.

(e) Building coverage: Twenty-five percent maximum, including all main and accessory buildings and structures.

(f) See also Supplemental Area Regulations contained in Chapter 1381.

1358.06 HEIGHT REGULATIONS.

In an ASF District structures shall be developed and maintained in accordance with the following height regulations:

(a) Buildings. Two and one-half stories and not exceeding 35 feet;

(b) Accessory Structures. Six feet maximum for fences, walls and other accessory structures which are not buildings, except ten feet maximum for fences enclosing tennis courts;

(c) Exceptions to Height Limit. Chimneys and antennas located on a main building may exceed the height limit established for buildings but are limited to a maximum height of ten feet above the roof line. Approved street lighting is exempt from the height limitations of division (b) hereof. See also Section 1379.02.

Chapter 1359

U4, U5 and U6 Business and Industrial Districts

1359.01 Intent.

1359.02 Use regulations.

1359.03 Permitted uses.

1359.04 Definitions of specific uses.

1359.05 Supplemental regulations for all uses.

1359.06 Regulations for specific uses.

1359.07 Height Requirements.

1359.08 Lot Area And Setback Requirements.

1359.07 HEIGHT REQUIREMENTS.

(a) All buildings in the U4, U5, and U6 Districts shall conform to the following height restrictions in Table 1359.07.

Table 1359.07

	Maximum Height
U4 and U5	4 stories or 50 feet
U6	80 feet

(b) Exceptions to height requirements in the U4, U5, and U6 Districts: See Section 1379.02.

1359.08 LOT AREA AND SETBACK REQUIREMENTS.

(a) All lots in U4, U5, and U6 Districts shall conform to the requirements below and in Table 1359.08.:

(1) No dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 700 square feet of the usable physical lot area for an elevator apartment house building, or 2,500 square feet of the usable physical lot area for apartment house buildings.

Table 1359.08

	Lot Area (square feet/unit)	Front Yard Setback	Side and Rear Yard Setbacks
U4 and U5	700	20	See Chapter 1381.
U6	700	50	

(2) See supplemental areal standards in Chapter 1381. Where these standards differ from those in Chapter 1381, standards contained in this Chapter shall prevail.

1362.05 SITE DEVELOPMENT REGULATIONS.

The following site development regulations shall apply in U7 Light Industrial Park Districts:

- (a) Site Area. The minimum site area shall be two acres.
- (b) Lot Width. The minimum site width shall be 200 feet at the front yard setback line.
- (c) Building Setback From Street Right of Way. The minimum setback for lots that abut arterial streets is 100 feet. The minimum setback for lots that abut industrial roads is seventy-five feet.
- (d) Building Setback From Side Lot Lines. The minimum setback for lots that adjoin residential districts is seventy-five feet or three times the building height, whichever is greater. The minimum setback for lots that are within or adjoin nonresidential districts is twenty feet.
- (e) Building Setback From Rear Lot Line. The minimum setback for lots that adjoin residential districts is seventy-five feet or three times the building height, whichever is greater. The minimum setback for lots that are within or adjoin nonresidential districts is thirty feet.
- (f) Maximum Coverage By Buildings. The maximum site coverage by all buildings shall be thirty-five percent.
- (g) Height. The maximum height for all buildings in the U7 Light Industrial Park District shall not exceed thirty feet or two floors when adjoining residential districts or forty feet when adjoining nonresidential districts. Side and rear yard setbacks shall be at least three times the building height when adjoining a residential district. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided such mechanical equipment is set back a minimum of fifteen feet from any exterior wall, does not exceed fifteen feet in height and is adequately screened from view, and provided such mechanical equipment and screening are approved by the Planning and Zoning Commission. See also Supplemental Height Regulations in Chapter 1379.
- (h) Medical Marijuana Cultivation, Processing and Testing Facility. Any facility used in the cultivation, production and testing of medical marijuana shall not be located within 500 feet of a school, church, public library, public playground, or public park. Additionally, the facility must strictly adhere to any provisions of the Ohio Administrative code related to the cultivation, production and testing of medical marijuana.
- (i) See also Supplemental Area Regulations in Chapter 1381.

1363.06 AREA REGULATIONS.

Notwithstanding any other provision of this Planning and Zoning Code or of the Building and Housing Code, buildings and uses permitted in an Office Building District shall be located on a lot that complies with this section. The minimum lot area for such permitted use shall not be less than the area required to accommodate the main and accessory buildings and uses, on-site circulation, required parking and loading facilities and required yards. This section shall be construed to encourage sufficiently large sites for each development and to provide space for expansion and adjustment to future conditions. See also Supplemental Area Regulations contained in Chapter 1381.

1363.10 HEIGHT REGULATIONS.

Notwithstanding any other provision of this Planning and Zoning Code or of the Building and Housing Code, the height of any main or accessory building shall not exceed four stories or 50 feet in an Office Building District, except that elevators, chimneys, church spires, flagpoles, radio towers, water tanks and other permitted appurtenances located upon or constituted as an integral part of a main building may be erected above the height limit, but shall not exceed 75 feet above the finished grade. All parts of a building containing the mechanical and other service features of a building shall be designed and enclosed so as to be in harmony with the architectural treatment of the building. See also Supplemental Height Regulations contained in Chapter 1379.

1364.04 MINIMUM C-I DISTRICT AREA, MINIMUM LOT AREA AND MAXIMUM BUILDING COVERAGE.

The minimum land area required to apply the Campus-Institutional District zoning designation shall be three acres. Once the C-I District is established, parcels within the district shall not be further subdivided to an area less than one acre nor a lot width less than 150 feet.

The maximum building coverage of the lot shall be 60% of the entire campus site.

See also Supplemental Area Regulations contained in Chapter 1381.

1364.08 DEVELOPMENT AND DESIGN GUIDELINES.

The following development and design guidelines are established to ensure that all proposed development in a C-1 District complies with the purpose and objectives of this chapter. The City Planning and Zoning Commission shall review plans for a proposed development, giving particular consideration to the following:

(a) Principles for Reviewing Conditional Uses. Large-scale institutional uses can be located in close proximity to adjacent land uses in a manner that integrates them with nonresidential uses and protects low density residential uses. Given these goals, the Planning and Zoning Commission shall consider the following principles when reviewing applications for conditional use permits.

(1) Standards when adjacent to Residential Districts. When reviewing a conditional use of this nature, the Planning and Zoning Commission shall attempt to ensure that residential properties are not negatively impacted by intrusions from the institutional uses. Therefore, the following standards shall be considered:

A. Adequate screening, buffering, and landscaping shall be provided to limit the view of the proposed use, reduce the noise between incompatible land uses, and ease the transition from one zoning district to another.

B. Natural features, especially mature trees, shall be preserved and supplemented with landscaping to buffer and screen adjacent residential districts. The Planning and Zoning Commission shall consider the setbacks, building mass and type of use when determining the extent of landscaping required.

C. The minimum setback area for buildings and parking areas set forth in Schedule 1364.05 shall be considered a buffer and landscaping area and shall contain no structures, with the exception of decorative fencing.

D. Pedestrian connections from the campus-institution development shall be designed to minimize impacts on adjacent residential neighborhoods.

E. The layout of parking areas, service area, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of residential areas adjacent to the development.

(2) Standards when adjacent to nonresidential districts. When reviewing a conditional use of this nature, the Planning and Zoning Commission shall ensure that institutional uses are integrated into the fabric of the surrounding development; thereby becoming a part of the neighborhood in which they reside. Therefore, the following standards shall be considered:

A. Development proposals by institutional uses shall respect the existing built environment or the framework being created in an area through zoning and other applicable regulations.

B. The building placement, scale, and massing as well as the location of off-street parking facilities shall reflect and reinforce the surrounding development. If the adjacent areas are vacant, the building placement, scale, and massing as well as the location of off-street parking facilities shall reflect the development standards in the abutting zoning district.

(b) General Criteria.

(1) Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to:

(2) Enhance and protect the character of the surrounding area, especially adjoining residential areas;

(3) Minimize any adverse influences.

(4) See also Supplemental Height Regulations contained in Chapter 1379.

(c) Design of Parking Areas.

(1) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of residential areas adjacent to the development.

(2) Access from public streets to parking areas, service areas, and pedestrian walkways within the development shall be designed to minimize traffic hazards or congestion;

(3) Pedestrian connections from the campus institution development to adjacent parcels should minimize adverse intrusions into residential neighborhoods.

1365.05 DOWNTOWN OVERLAY DISTRICT.

The Downtown Overlay District as specifically shown and established on the Zoning Map of the City of Euclid generally consists of the commercial area in the area of Lake Shore Boulevard/Babbitt Road/ E.233rd Street/ Shore Center Drive/ E.222nd Street.

(a) Purpose. The purpose of the Downtown Overlay District is to promote and sustain:

(1) Quality economic growth. Assure opportunities for a stable, vital, diverse, and competitive economy at the heart of the City.

(2) Vibrant downtown. Strengthen downtown as a vibrant, commercial, civic, residential, and cultural art center with its own unique identity.

(3) Downtown appearance. Improve and enhance the appearance of the built environment and natural features throughout downtown, especially along primary commercial corridors and other major arterials.

(4) Unique character. Establish design standards unique to our downtown district.

(5) Pedestrian environment. Improve and enhance the pedestrian environment throughout downtown, as well as the pedestrian connections to surrounding neighborhoods and civic resources.

(b) Intent. The intent of the Downtown Overlay District is to:

(1) Encourage a vibrant mix of pedestrian-oriented uses, including shopping, civic, arts, residential, and entertainment uses.

(2) Establish height, bulk, and lot coverage regulations that balance existing urban fabric with a desired character for downtown.

(3) Promote mixed-use, multi-tenant buildings with active ground floor tenant space by regulating the quantity and location of doors and windows.

(4) Establish standards for setbacks and landscaping that encourage and promote a strong pedestrian environment.

(5) Establish parking and access standards that support pedestrian activity.

(6) Encourage preservation of existing buildings fulfilling the purpose and intent identified herein.

(c) Dimensional Standards.

(1) Building setbacks. For new construction, the building line shall be located within 20 feet of the street line. On corner lots, the building line may be set back a greater distance from the secondary street line in accordance with the underlying zoning.

(2) Building coverage. New building construction shall cover a minimum of 30% of the lot area.

(3) Minimum building height. For new construction, the minimum height of the building shall be 26 feet. See also Supplemental Height Regulations contained in Chapter 1379.

1365.06 RESIDENTIAL PLANNED DEVELOPMENT (RPD).

(a) Planned Development: Purpose and Qualifying Conditions.

(1) Purpose. The purpose of these planned development regulations is to provide locations for one or more planned developments (hereinafter referred to as "planned development") within the U1, U2, U3, U4, or CI Districts for which property owner(s) may propose and negotiate unique or flexible plans for development layouts, development standards, lot area, and height requirements and other features not otherwise permitted in these districts subject to approval by the City as provided herein. The purpose of these regulations is to encourage redevelopment of properties in a manner which generates significant value to the community responding to current residential markets.

(2) Qualifying conditions for planned development.

A. Only property located within the U1, U2, U3, U4, or CI Districts may be approved for a planned development.

B. The area of land proposed for a planned development shall:

1. Contain at least one contiguous acre exclusive of existing public rights-of-way.

2. Have access to an existing improved public road and frontage thereon of not less 40 continuous feet.

3. Not be divided by existing public roads or other areas which limit use for purposes Of the planned development.

C. The land for which a planned development application is submitted must be in single ownership or the subject of an application filed collectively by all owners of the properties intended to be included within the planned development. All land included within a planned development shall be under the control of the applicant, whether that applicant is an individual, partnership, or corporation or group of individuals, partnerships or corporations. Applicants shall present firm evidence, at the time of application, of unified control of the entire area within the proposed development. Except as specifically approved in the final development plan, unified control shall be maintained at all times that the planned development is in effect.

D. Except as otherwise approved in the preliminary and final development plans, the planned development shall comply with and contribute to the implementation of the applicable goals and specific objectives set forth in the current City of Euclid Master Plan and other adopted plans of the City.

(b) Planned Development: Specific Requirements.

(1) Uses in planned development. Permitted uses shall be one or more of the following:

A. Single-family dwellings, attached or freestanding.

B. Two-family dwellings.

C. Apartment houses.

D. Public park, public walkway, public bike route.

E. Group housing units limited to adult family homes and residential facility family homes.

F. Family day care home, Type B.

G. Commercial use. A commercial use or uses may be approved within a freestanding structure or a structure containing dwellings. At a minimum, the use shall comply with the following standards:

1. Shall be located on a site on which commercial uses are permitted or on a site which abuts a lot on which commercial uses are permitted.

2. Shall be found to be compatible with and supportive of the residential uses of the site as well as with the off-site surrounds.

3. Shall be located on the first floor only.

4. Shall not exceed 10% of the total floor area of a structure containing dwellings unless recommended by the Planning Commission and approved by City Council.

5. The proposed commercial use or uses to be permitted shall be identified in the development plan. Additional commercial uses which may be permitted in future re-use of the commercial space may also be identified in the development plan.

(2) Lot, area, yard and height requirements. Lot, area, yard and height requirements shall be as recommended by the Planning and Zoning Commission and as approved in the development plans based upon finding that they are appropriate as features of the integrated design of the planned development. See also Supplemental Height Regulations contained in Chapter 1379 and Supplemental Area Regulations contained in Chapter 1381.

1377.01 ACCESSORY USES IN RESIDENCE DISTRICTS.

(a) Accessory uses customarily incident to a Class U1, U2 or U3 use shall also be permitted in, respectively, a Class U1, U2 or U3 District, provided such accessory use is located upon the same lot with the building or use to which it is accessory. No such accessory building shall be less than three feet from the side yard line and no less than three feet from the rear yard line.

(b) In a U1 or U2 District a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2,000 square feet of the lot area, provided however that in a U1 or U2 Use District no garage or combination of garage and accessory sheds shall be erected to exceed 696 square feet in floor area, by external dimensions, except that on lots exceeding 5,000 square feet the permitted accessory building area may be increased by a ratio of one square foot for each 12 square feet of additional lot area. However, in no case shall permitted accessory storage structures exceed 720 square feet in area or cover more than 40 % of the required rear yard as regulated in Section 1383.02, Rear Yards in Residence Districts. In a Class U3 District a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 625 square feet of the lot area.

(c) A billboard, signboard or advertising sign shall in no case be permitted as an accessory use. The placing of a "For Sale," "For Rent," "Open" or "Open House" sign shall, however, be permitted as an accessory use, but in no event shall "Open" or "Open House" signs be permitted except between the hours of 9:00 a.m. and 5:00 p.m. on Saturday, and on Sunday between the hours of 10:00 a.m. and 4:00 p.m.

(d) In a Class ~~the~~ U1 or U2 District a private driveway or walk used for access to a U4 or U5 use shall in no case be permitted as an accessory use.

1377.06 TRUCK, TRAILER, TRACTOR, BUS OR SEMITRAILER PARKING OR STORAGE.

(a) For the purposes of this section, a truck shall be any vehicle so defined by Ohio R.C. Chapter 4511 and containing only a commercial truck license from the State, including trailers and semitrailers. School bus, bus, commercial tractor, pole trailer and moving van shall also be as defined by Ohio R.C. Chapter 4511.

(b) No person shall park or store any truck, school bus, bus, commercial tractor, pole trailer or moving van in a U1, U2, U3, U3E or U3EL Senior Citizens Use District, including on any public street or highway, except to make deliveries or pickups or for the loading or unloading of persons, unless such truck, school bus, bus, commercial tractor, pole trailer or moving van is parked or stored in a completely enclosed structure.

CHAPTER 1379

Supplemental Height Regulations

1379.01 Height district regulations.

1379.02 Height district exceptions.

1379.03 Height regulations for U3 Apartment House and U3E Elevator Apartment House Districts.

1379.01 HEIGHT DISTRICT REGULATIONS.

~~—(a) In a Class H1 District no building shall be erected to a height in excess of two and one-half stories or in excess of thirty-five feet except that a church, school or library building shall not be erected to a height in excess of four stories or in excess of fifty feet.~~

~~—(b) In a Class H2 District no building shall be erected to a height in excess of four stories or in excess of fifty feet.~~

~~—(c) In a Class H3 District no building shall be erected to a height in excess of eighty feet.~~

(a) Unless otherwise stated in the Zoning Use District chapters contained in Title 9 of this zoning ordinance, height district regulations are established as follows and are indicated on the zoning map:

(1) In a Class H1 District no building shall be erected to a height in excess of two and one-half stories or in excess of thirty-five feet except that a church, school or library building shall not be erected to a height in excess of four stories or in excess of fifty feet.

(2) In a H2 District no building shall be erected to a height in excess of four stories or in excess of fifty feet.

(3) In a H3 District no building shall be erected to a height in excess of eighty feet.

CHAPTER 1381
Supplemental Area Regulations

~~1381.01 Lot area per family; Class A1 District.~~

1381.01 Area District Regulations.

1381.02 Class A2 District.

1381.03 Class A3 District.

1381.04 Class A4 District.

1381.05 U3E Elevator Apartment House District area regulations.

1381.06 Corner lot to be considered as interior lot.

1381.07 Families per lot area within business or industrial use.

1381.08 Rear houses.

1381.09 Width of lot in residence districts.

1381.10 Landscaped areas and lot coverage for apartment house districts.

1381.11 Minimum floor area of a single family dwelling.

~~1381.01 LOT AREA PER FAMILY; CLASS A1 DISTRICT.~~

~~—In a Class A1 District no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 5,000 square feet of the area of the lot if an interior lot, or for each 4,000 square feet if a corner lot. However, one single-family dwelling may be erected on any lot separately owned at the time of the passage of the Zoning Ordinance (Ordinance 2812, passed November 13, 1922) or on any numbered lot in a recorded subdivision that is on record in the office of the County Recorder at the time of the passage of the Zoning Ordinance.~~

~~1381.02 CLASS A2 DISTRICT.~~

~~—In a Class A2 District no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 2,500 square feet of the area of the lot if an interior lot, or for each 2,000 square feet if a corner lot.~~

~~1381.03 CLASS A3 DISTRICT.~~

~~—In a Class A3 District no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 2,500 square feet of the area of the lot if an interior lot, or for each 2,000 square feet if a corner lot.~~

~~1381.04 CLASS A4 DISTRICT.~~

~~—In a Class A4 District no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 700 square feet of the usable physical lot area for an elevator apartment house building, or 2,500 square feet of the usable physical lot area for apartment house buildings.~~

1381.01 AREA DISTRICT REGULATIONS.

(a) Unless otherwise stated in the Zoning Use District chapters contained in Title 9 of this zoning ordinance, area district regulations are established as follows and are indicated on the zoning map:

(1) In a Class A1 District no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 5,000 square feet of the area of the lot if an interior lot, or for each 4,000 square feet if a corner lot. However, one single-family dwelling may be erected on any lot separately owned at the time of the passage of the Zoning Ordinance (Ordinance 2812, passed November 13, 1922) or on any numbered lot in a recorded subdivision that is on record in the office of the County Recorder at the time of the passage of the Zoning Ordinance.

(2) In a Class A2 District no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 2,500 square feet of the area of the lot if an interior lot, or for each 2,000 square feet if a corner lot.

(3) In a Class A3 District no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 2,500 square feet of the area of the lot if an interior lot, or for each 2,000 square feet if a corner lot.

(4) In a Class A4 District no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 700 square feet of the usable physical lot area for an elevator apartment house building, or 2,500 square feet of the usable physical lot area for apartment house buildings.

(a) In the event that area regulations contained in the Zoning Use Districts of Title Nine of this zoning ordinance differ from the Area District Regulations above and on the zoning map, the area regulations contained in the Zoning Use Districts in Title Nine shall prevail.

~~1381.06~~ **1381.02 CORNER LOT TO BE CONSIDERED AS INTERIOR LOT.**

In computing area of the lot for the purpose of Sections 1381.01 through 1381.07, any part of the area of any corner lot in excess of 8,000 square feet shall be considered an interior lot.

1381.07 1381.03 FAMILIES PER LOT AREA WITHIN BUSINESS OR INDUSTRIAL USE.

For the purpose of determining the number of families that may be housed on a given lot area where a portion of a building in a Class A1, A2 or A3 District is arranged, intended or designed for a business or industrial use, the number of families that may be housed on such lot shall be reduced by one for each 1,250 square feet or fraction thereof of lot area actually covered by such portion of the building as is arranged, intended or designed for such business or industrial use.

1381.08 REAR HOUSES.

—In a Class U1, U2 or U3 District every dwelling or apartment house erected shall have access to a public street and if located in the rear of other buildings with no immediate street frontage, an easement for access shall be provided over an unoccupied strip of land at least twenty feet in width, and such reserved strip may not form a part of any yard or lot areas required by this Zoning Code.

1381.09 WIDTH OF LOT IN RESIDENCE DISTRICTS.

—In a Class U1, U2 or U3 District no dwelling shall be erected on a lot having an average width of less than sixty feet, unless such lot was separately owned at the time of passage of the Zoning Ordinance (Ordinance 2812, passed November 13, 1922), or unless such lot is a numbered lot in a subdivision that is on record in the office of the County Recorder at the time of the passage of the Zoning Ordinance. In a Class U2 District no double or two-family house shall be erected on a lot having an average width of less than sixty feet. In a Class U3 District no apartment house shall be erected on a lot having an average width of less than 100 feet.

1381.10 LANDSCAPED AREAS AND LOT COVERAGE FOR APARTMENT HOUSE DISTRICTS.

—The percent of lot to be landscaped shall not be less than as set forth in the following schedule, and the ground floor area of apartment house buildings plus the total ground floor area of all accessory buildings shall not occupy or cover more of the lot than as set forth in the following schedule:

	<i>Minimum Landscaped Area of Lot (Percent)</i>	<i>Maximum Building Coverage of Lot</i>	
		<i>Apartment Buildings (Percent)</i>	<i>All Buildings With Exposed Roofs (Percent)</i>
Apartment House	50	15	20
Elevator Apartment House	40	15	30

—Landscaped areas shall be construed to be those parts of the lot developed with walks, terraces, play areas and lawns, shrubs or other planting.

—The building coverage of the lot shall be construed as the total area of the main building or buildings, plus all accessory buildings. The percentage shall be the total area of buildings in ratio to the gross area of the lot expressed as a percentage. The area of all buildings shall be measured at the ground level, except accessory buildings whose roofs do not extend more than four feet above grade.

—Driveways, open parking areas and beach and bluff areas of lakefront lots are to be excluded from the above percentage of lot areas.

1381.11 MINIMUM FLOOR AREA OF A SINGLE FAMILY DWELLING.

—All single family and two family dwelling units shall be constructed to have a minimum livable floor area, excluding basement and utility room areas, based on their respective lot size as stated in the table below:

<i>Lot Size</i>	<i>Floor Area</i>
Lots up to 10,000 square feet	1,250 square feet
Lots over 10,001 square feet	1,500 square feet

—The above floor area requirement shall not apply in Attached Single Family Districts or to single family dwelling units approved under the terms of a residential planned development per Section 1365.06 of the Euclid Zoning Code.

**CHAPTER 1383
Rear and Side Yards**

- 1383.01 Side yards in residence districts.
- 1383.02 Rear yards in residence districts.
- 1383.03 Rear yards in apartment house districts.
- 1383.04 Yard regulations; apartment house districts.

1383.05 Side and rear yards in business districts.

1383.06 Side and rear yard exceptions.

1383.01 SIDE YARDS IN RESIDENCE DISTRICTS.

(a) In a Class U1, U2 or U3 District, there shall be, for every building erected, a side yard along each lot line other than a front line or rear line.

(b) Each single-family dwelling, each two-family dwelling and each apartment house shall be deemed a separate building and shall have side yards as prescribed in subsection (a) hereof, except that two single-family dwellings may be attached as a double house and be considered a single building in any area other than in an area within a portion of a Class U1, U2 or U3 District **this section**.

~~—(c) The least dimension of a side yard on a lot less than fifty feet shall be not less than three feet, and the total width of side yards shall be not less than ten feet, and in no case shall there be less than ten feet between dwellings.~~

~~—(d) The least dimension of a side yard on a lot fifty feet or greater shall be not less than five feet and the total side yards shall be not less than fifteen feet. In no case shall there be less than ten feet between dwellings.~~

~~—(e) For an apartment house or hotel in a U3 District the least dimension of each side yard shall be not less than ten percent of the average width of the lot, but such least dimension need not exceed twelve feet.~~

(c) In the U1 and U2 Districts, all side yards shall conform to regulations set forth in Section 1352.09.

(d) In the U3 and U3EL Districts, all side yards shall conform to regulations set forth in Section 1354.09 and 1354.10.

1383.02 REAR YARDS IN RESIDENCE DISTRICTS.

~~—(a) In a Class U1, U2 or U3 District every building erected shall have a rear yard.~~

~~—(b) The least dimension of such rear yard shall be twenty percent of the depth of the lot, but such least dimension need not be more than forty feet, provided that such least dimension shall in no case be less than one-half the height of the building.~~

~~—(c) Forty percent of the area of such yard may be occupied by one accessory building not more than fifteen feet in height. However, on a corner lot, the rear line of which is identical with the side line of an interior lot, no such accessory building, if detached from the main building, shall be erected within twenty feet of any street line or within ten feet of the rear lot line.~~

~~—(d) There shall be a minimum of ten feet between a dwelling and an accessory building.~~

(a) Rear yards in U1 and U2 Residential Districts shall conform to regulations set forth in Section 1352.10.

1383.03 REAR YARDS IN APARTMENT HOUSE U3 and U3EL DISTRICTS.

~~—Notwithstanding the requirements set forth in other sections of this chapter, in the development of an apartment house project of one or more buildings, the yards between buildings or parts of the same building and the yards between any building and a side or rear lot line shall be designed and constructed in accordance with yard regulations set forth in Section 1383.04.~~

Rear yards in the U3 Multi-Family District shall conform to regulations set forth in Section 1354.10.

Additional Yard Regulations in the U3 and U3EL Districts shall conform to Sections 1354.07 through 1354.10.

1383.04 YARD REGULATIONS; APARTMENT HOUSE DISTRICTS.

~~—In order to encourage greater flexibility in design and more attractive arrangements of buildings and greater utilization of open spaces, yard regulations for apartment house buildings are hereby established.~~

~~—The yards of apartment house buildings shall be related to the space within the dwelling units as well as the yards. Buildings shall be arranged so as to assure privacy between adjacent buildings and intersecting wings of buildings, from streets and parking and recreation areas in accordance with the following:~~

~~—(a) Minimum Distance Between Facing and Overlapping Buildings. The minimum distance(s) between any two apartment house buildings or parts thereof in a development area will vary according to the length (L) and height (H) of buildings. Such minimum distance(s) shall be determined by the formula:~~

~~—Minimum Distance(s) = $\frac{LA + LB + HA + HB}{f}$~~

~~—————f~~

~~—the elements of such formula being defined as follows:~~

~~———(1) Minimum Distance(s) means the required minimum horizontal distance between any wall of building A and the nearest wall of building B or the vertical prolongation of either.~~

~~———(2) LA means the total length of building A which, for the purposes of the formula, is defined as the length of the portion or portions of any wall or walls of building A from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building B.~~

~~———(3) LB means the total length of building B which, for the purposes of the formula, is defined as the length of the portion or portions of any wall or walls of building B from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building A.~~

~~———(4) HA means the height of building A.~~

~~———(5) HB means the height of building B.~~

(6) f means the division factor, which shall be:

5 for an apartment house, U3 District;

3 for an elevator apartment house, U3E District;

The elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.

(b) Minimum Distance in Oblique and Angular Building Arrangements. The minimum distance(s) in such arrangements are determined by the formula:

$$LA^1 + LA^2 + LB + HA + HB$$

$$\text{Minimum Distance(s)} = \frac{\quad}{\quad}$$

The elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.

(c) Minimum Distance Between Nonoverlapping Walls. Where walls of two buildings do not directly face each other or do not overlap, i.e. where lines drawn perpendicular from the face of any wall of one building will not intersect the face of any wall of another building, the minimum horizontal distance between such buildings shall not be less than one-half of the combined height of the two buildings. Such minimum distance(s) shall be determined by the formula:

$$\text{Minimum Distance(s)} = HA + HA$$

2

The elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.

(d) Minimum Distance Between Walls of Court Arrangements. In arrangements where two or more buildings are connected by a common entranceway of two stories or less, the entire length of the principal buildings shall be used to determine the length (L) factor. The minimum distance(s) shall be determined by applying the formula set forth in subsection (a) hereof.

In arrangements of parallel walls with offset sections, the distance between the section of walls shall be derived from such formula and shall be measured as the average distance, provided that the minimum distance(s) between any two facing sections shall be not less than sixty feet. The elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.

In U shaped arrangements the minimum distance(s) between the parallel walls (A and B) facing the court are determined by the formula:

$$\text{Minimum Distance(s)} = 2(LA + LB) + HA + HB$$

f

The minimum distance(s) between any two facing sections shall be not less than sixty feet. The elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.

(e) Minimum Distance Between Buildings and Side or Rear Lot Lines. The minimum distance(s) between any apartment building or parts thereof in a development area and any side or rear line of such development area shall vary according to the length and height of the building. Such minimum distance(s) shall be determined by the following formulas:

Where land zoned as an Apartment or Elevator Apartment House District abuts U1 One-Family or U2 Two-Family Districts:

$$\text{Minimum Distance(s)} = A + L + H$$

f

Where land zoned as an Apartment or Elevator House District abuts all other zoned uses:

$$A + L + H$$

$$\text{Minimum Distance(s)} = f$$

2

The elements of such formula being described as follows:

A = twenty feet where the (L) is less than fifty feet and the (H) is less than thirty-five feet. In all other cases "A" shall be fifty feet.

L = length of the property line in feet measured between perpendicular lines to the property line where such perpendiculars touch the extreme ends of the building.

H = height of building in feet.

f = division factor from the schedules below:

Buildings whose length (L) is up to 100 feet and:

the height (H) is up to 50 feet F = 5

the height (H) is 50.1 to 100 feet F = 3

the height (H) is 100.1 to 150 feet F = 2

the height (H) is 150.1 and up F = 1.5

Buildings whose length (L) is from 100.1 feet to 250 feet and:

- the height (H) is up to 50 feet — F = 3.5
- the height is from 50.1 feet to 100 feet — F = 2.5
- the height (H) is from 100.1 and up — F = 1.5
- Buildings whose length (L) is 250.1 feet or more and:
 - the height (H) is up to 50 feet — F = 2.5
 - the height (H) is from 50.1 to 100 feet — F = 1.5
 - the height (H) is from 100.1 feet and up — F = 1

— When computing the setback formula for buildings of more than one wing, all wings that are within fifteen degrees of being perpendicular to the property line shall be considered as a separate building for measurement purposes. All attached wings that are not within fifteen degrees of the perpendicular to the property line shall be considered as one continuous building and the entire length between perpendicular lines to the property line shall be used for determining the length requirement of the formula.

— The required setback shall be measured from the wall plane or point that is the closest to the property line.

— (f) Distances From Main Building to Accessory Uses. The minimum distance(s) from any apartment house building to parking areas, driveways, walks and recreation areas to the development area boundaries, as set forth in this subsection, are desirable criteria to be applied in the site planning.

Accessory Use	Minimum Distances		
	From Apartment Buildings		From Boundary Lines (feet)
	Main Wall (feet)	End Wall (feet)	
(1) Parking areas	10	20	20
(2) Private streets (except at entrances)	30	30	10
(3) Walks (public use)	15	10	10
(4) Recreation areas (active play)	40	30	15

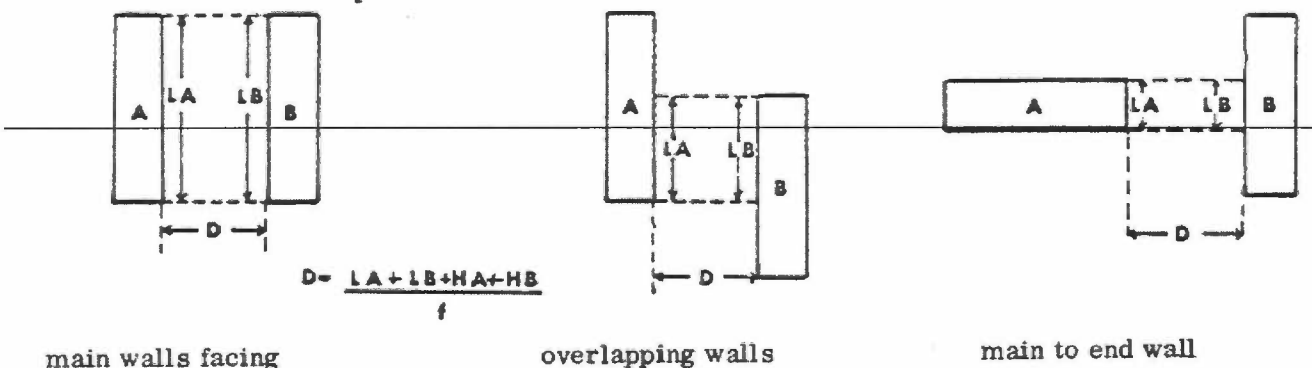
— The minimum distance(s) set forth in the schedule are intended to be applied to:

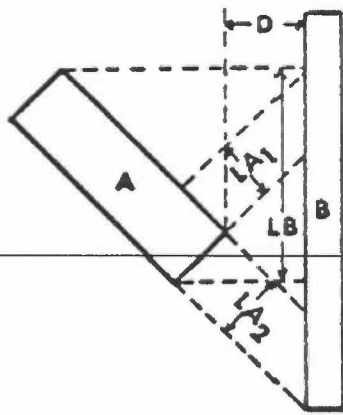
- A. Main wall. Any exterior wall containing the principal windows of a living, dining or sleeping room or rooms;
- B. End wall. Any exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, or principal or minor windows of kitchen or bathrooms, or a blank surface;
- C. Private streets. At all locations except at the garage entrance or main entrance of the dwelling served;
- D. Walks. Used by the public at all locations except at the entrance to the dwelling served; and
- E. Recreation areas. Areas used for active play.

— (g) Townhouse Dimensions. A unit of a townhouse shall be not less than eighteen feet in width and any main or longitudinal wall of a sequence of townhouse units shall not exceed 100 feet in length without a ninety degree offset of at least ten feet, and the aggregate length of any wall, including its offsets, shall not exceed 160 feet in length.

— (h) Illustrations of Yard Regulations. The following diagrams, called "Illustrations of Yard Regulations," indicate the regulations and planning criteria as set forth in this section and they are hereby made a part of this Zoning Code.

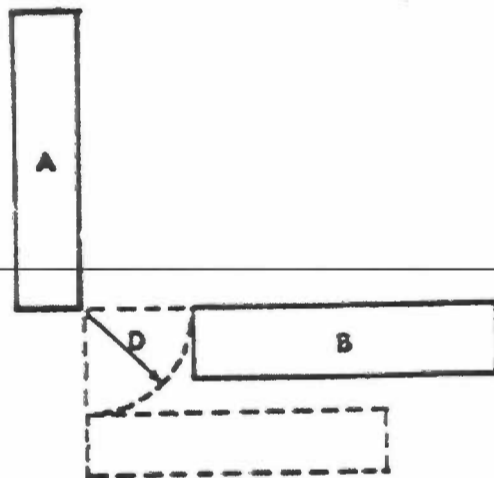
Subsection "a" Minimum distance between facing and overlapping buildings, provided that no two main facing walls shall be less than 60 feet apart





$$D = \frac{LA_1 + LA_2 + LB + HA + HB}{f}$$

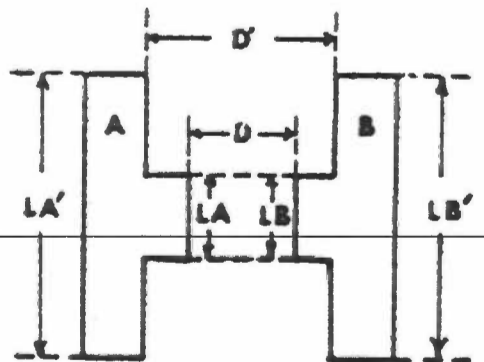
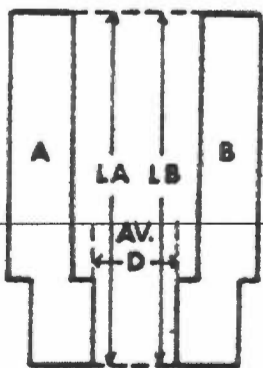
Subsection "b" Minimum distance between oblique facing buildings



$$D = \frac{HA + HB}{2}$$

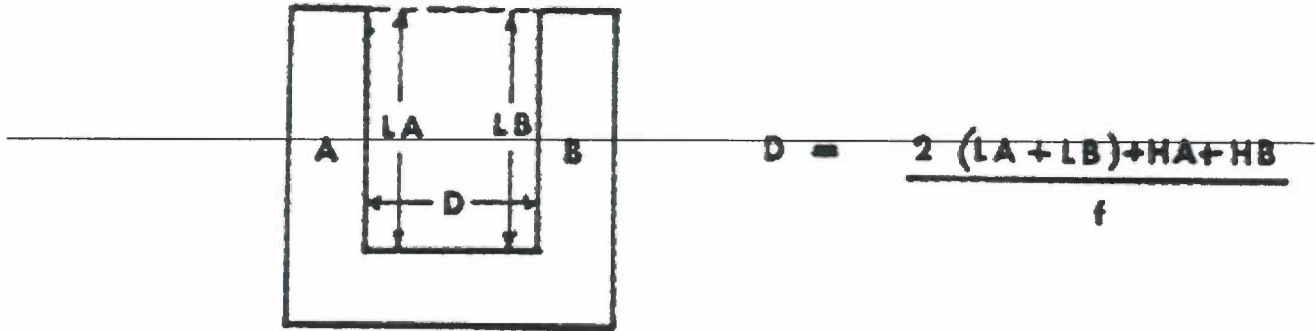
Subsection "c" Minimum distance between non-overlapping walls

Subsection "d" Minimum distance between walls of court arrangements

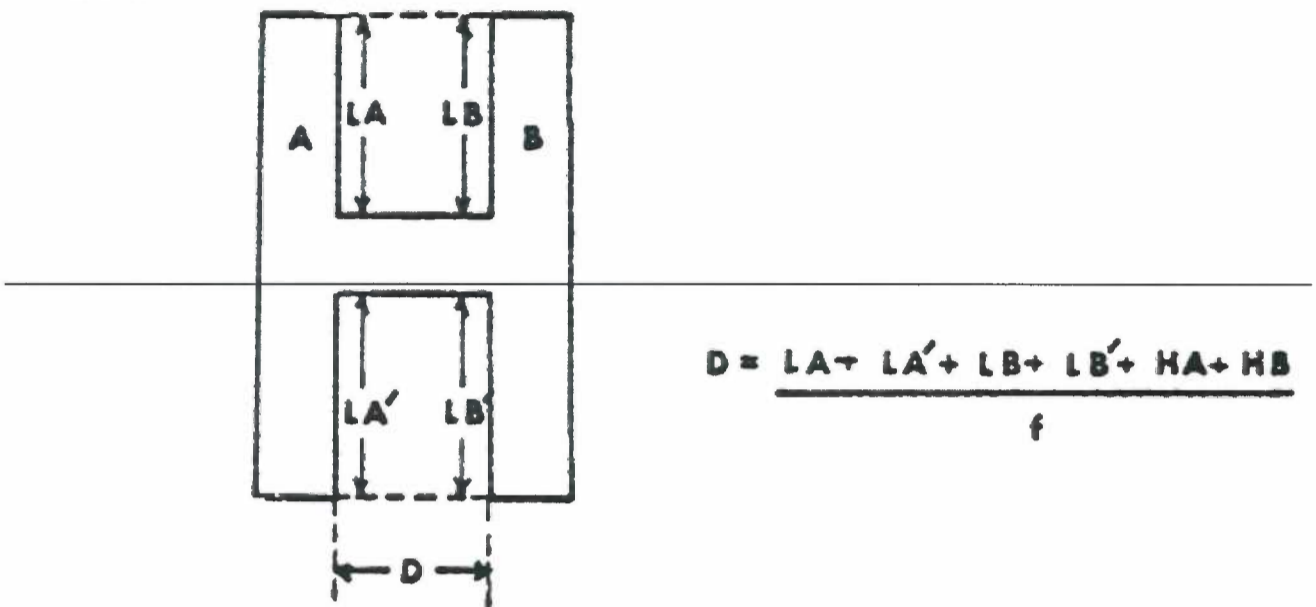


$$D = \frac{LA + LB + HA + HB}{f}$$

U-shaped arrangement



H-shaped arrangement



1385.01 GENERAL PROVISION; SIGNS.

(a) For the purpose of regulating front yards, for the purpose of further regulating side yards of corner buildings and for the purpose of regulating the alignment of buildings near street frontages, building lines are set forth on the Zone Map, which lines are hereby declared to be a part thereof and hereof and are established. The Map designations and the Map designation rules which accompany the Map are hereby declared a part thereof and hereof. Every building shall be erected on and aligned with the building line, except in the case of land parcels exceeding ten acres in size in a U6 District.

(b) No building or portion of a building extending above the established grade, or sign, except where a sign is permitted, shall be erected or maintained between a building line and the street line.

(c) Front yards in residential districts.

(1) Where front yard setbacks established in Chapter 1352 for U1 and U2 Residential Districts differ from those established on the Zone Map, regulations set forth in Section 1352.08 shall prevail.

(2) Where front yard setbacks established in Chapter 1354 for the U3 Multi-Family Residential District differ from those established on the Zone Map, regulations set forth in Section 1354.08 shall prevail.

Section 2: That Chapters 1321, 1352, and 1354 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid are hereby enacted:

Chapter 1321 Definitions

1321.01 Definitions generally.

1321.02 Tenses; plurals; lot; plot; building.

1321.03 Definitions.

1321.01 DEFINITIONS GENERALLY.

Certain words in this Planning and Zoning Code are defined for purposes of such Code, where the context so indicates as well as where the meaning so requires as provided in this chapter.

1321.02 TENSES; PLURALS; LOT; PLOT; BUILDING.

Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot" and the word "building" includes the word "structure."

1321.03 DEFINITIONS.

(1) **"Accessory use" or "accessory building"** means a use or building customarily incident to and located on the same lot with another use or building.

(2) **"Adult family home."** See definition under "Group Housing."

(3) **"Adult group home."** See definition under "Group Housing."

(4) **"Apartment"** means a room or suite of rooms in an apartment house, which room or suite is arranged, intended or designed to be occupied as the residence of a single family, individual or group of individuals.

(5) **"Apartment house."** See definition under "Dwelling types".

(6) **"Automobile service facility (see also gasoline station)."** A building, part of a building, structure or space that is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service of vehicles and the making of minor repairs to motor vehicles, which are normally completed within one business day. Repairs described under "Motor Vehicle Repair" shall not be permitted.

(7) **"Body-piercing shop."** A building or portion thereof where piercing of human body parts is administered or from which a body-piercing business or service is operated. This shall not include establishments that limit their piercing to ears only.

(8) **"Check cashing non-chartered financial establishment."** A financial establishment other than a State or Federally chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services and loans for payment of a percentage fee. Specifically included are businesses that charge a percentage fee for cashing a check or negotiable instrument, "payday loan" businesses that make loans upon assignments of wages received, or businesses that function as deferred presentment services.

(9) **"Condominium"** see definition under "Dwelling types".

(10) **"Condominium development"** means a condominium property in which two or more individual dwelling units, together with undivided interests in the common areas and facilities of the property, are offered for sale pursuant to a common promotional plan.

(11) **"Condominium unit" or "unit"** means a portion of the condominium development designated for separate ownership.

(12) **"Development area"** means the parcel or parcels upon which the entire attached single-family complex will be developed as a condominium development.

(13) **"Double house."** See definitions under "Dwelling types."

(14) **"Drive-through facility."** Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Gasoline Station, and Automobile Service Facility.

(15) **"Dwelling unit"** means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(16) **"Dwelling"** means any building or portion of a building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes.

(17) **"Dwelling types"** means the various structures permitted in this zoning code based on number of dwelling units and lot dimensions required. These include:

(a) **"Apartment house"** means a building arranged or designed to be occupied by three or more families living independently of each other and doing their own cooking upon the premises or by three or more individuals or groups of individuals living independently but having a common heating system and general dining room.

(b) **"Attached single-family dwelling"** means individually owned single-family dwelling units, which are attached to one another by common walls and which have individual heating and plumbing. Each dwelling shall have a permanent parcel number filed with the County Recorder as a condominium development. Attached dwelling units may be townhouses or condominiums, and shall not exceed 8 units in number. Attached single-family dwellings is a term used specifically in the Attached Single-Family District and must be a part of a larger development contained within the ASF District.

(c) **"Condominium"** means real property, portions of which are designated for separate unit ownership by the unit owners and the remainder of which is designated for common ownership by the unit owners.

(d) **"Elevator Apartment House"** means a detached building containing four or more dwelling units, each provided with sleeping area(s), and cooking and bathroom facilities intended for domestic use either by families living independently of each other or by individuals or groups of individuals living independently.

(e) **"Senior Citizens Building"** means a building arranged or designed to be occupied by individuals who are sixty-five years or older. Senior Citizens Buildings shall contain an elevator that accesses each floor of the building and may exceed 2.5 stories.

(f) **"Double house"** means a building or structure that contains single-family dwellings that are situated side-by-side and share fireproof party walls between them, and each of which has a distinct parcel associated with it.

(g) **"Single-family dwelling"** means a detached, private residence containing sleeping and cooking facilities intended for domestic use and in which the occupants live as a single unit.

(h) **“Three-Family Dwelling”** means a residential structure containing three dwelling units occupied by three families living independently of each other. Each dwelling unit shall have one kitchen and not less than one bathroom for each family. Three family dwellings shall occupy one lot and shall have dwelling units that are stacked vertically one on top of the other. Also referred to as a Triplex.

(i) **“Townhouse Development”** is a residential development that consists of three but no more than 8 multilevel homes that are placed side-by-side and that share walls with other homes on one or both sides. Entries are typically placed on the narrow side of the unit and typically face a street or courtyard. The street façades have entrances and avoid garages. Townhouses are situated on individual parcels such that owners of a townhouse own the interior, exterior, and land on which the home sits.

(j) **“Two-family dwelling”** means a residential structure designed for or occupied by two families living independently of each other, each of which contains at least one bathroom and kitchen. Two family dwellings shall occupy one lot and shall have dwelling units that are stacked vertically one on top of the other. Also referred to as a Duplex.

(18) **“Elevator Apartment House.”** See definition under “Dwelling types”.

(19) **“Equipment sales/rental/service.”** Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment, and the rental of recreational and commercial motor vehicles. This term includes incidental storage, maintenance, and servicing of such equipment.

(20) **“Established grade”** means the elevation of the street curb as fixed by City ordinance.

(21) **“Family Day Care Home, Type B”**, Accessory to an Occupied Dwelling Unit. According to Ohio R.C. 5104.054, any type “B” family day-care home, whether certified or not certified by the County Director of Human Services, shall be considered to be a residential use of property for purposes of zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type “B” family day-care home is a permanent residence of the provider where childcare is provided for one to six children and where no more than three children are under two years of age. For the purpose of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted.

(22) **“Family”** means a single individual living upon the premises as a separate housekeeping unit, or a collective body of persons living together upon the premises as a single housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond.

(23) **“Flag lot”** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way access drive. The access drive shall have a minimum width and frontage of not less than ten (10) feet. The staff portion of a flag lot shall not be used in computing lot size for zoning and building purposes.

(24) **“Front yard”** means an open, unoccupied space on the same lot with a building, between the front line of the building and the front line of the lot.

(25) **“Gasoline station (see also automobile service facility).”** An establishment where motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include accessory facilities available for the sale of other retail products.

(26) **“Group housing facilities.”** For the purposes of these regulations, the various group housing units permitted in this zoning code are defined as follows:

(a) **“Adult family home.”** A facility that is licensed by the Ohio Department of Health to provide accommodations for not more than five adults and to provide personal care services to these resident adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets. Such facility shall present evidence that it meets the certification, licensing, and approval requirements of the appropriate State agency.

(b) **“Adult group home.”** A facility that is licensed by the Ohio Department of Health to provide accommodations for six to not more than 16 adults and to provide personal care services to these resident adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets.

(c) **“Residential facility family home.”** A facility licensed by the Ohio Department of Mental Health to provide accommodations to not more than eight mentally retarded or developmentally disabled persons and to provide personal care, supervision, habilitation services and mental health services in a family setting.

i. Prior to a handicapped person commencing residence in a residential facility family home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. § 3602(h) of the Federal regulations.

ii. Such facility shall present evidence that it meets the certification, licensing, and approval requirements of the appropriate State agency.

(d) **“Residential facility group home.”** A facility licensed by the Ohio Department of Mental Health to provide accommodations for nine to not more than 16 mentally retarded or developmentally disabled persons and to provide personal care, supervision, habilitation services and mental health services in a family setting.”

(27) **“Height of a building”** means the vertical distance measured at the centerline of its principal front, from the established grade or from the natural grade if higher than the established grade, to the level of the highest point in the coping of flat roofs or to the deck line of a mansard roof or to the mean height of the highest gable of

a pitched roof or to half the height of a hipped roof. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured to the level of the highest point of the building.

(28) "**Least dimension of a yard**" means the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel, the horizontal dimensions between them shall be deemed to be the mean distance between them.

(29) "**Lot**" means a single contiguous tract or parcel of land as shown by properly recorded records on file in the office of the Recorder of Cuyahoga County, Ohio.

(30) "**Major repair facility for motor vehicles.**" An establishment providing the repair rebuilding or reconstruction of motor vehicles or parts thereof, including the rebuilding of motor vehicles bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within a completely enclosed building.

(31) "**Marijuana.**" Marihuana as defined in Ohio R.C. 3719.01.

(32) "**Medical marijuana.**" Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose as defined in Ohio R.C. 3796.01(A)(2).

(33) "**Natural grade**" means the elevation of the undisturbed natural surface of the ground adjoining the building.

(34) "**Nonconforming use**" means one that does not comply with the regulations of the use district in which it is situated.

(35) "**Open space**" means an area substantially open to the sky which shall be on the same lot with a building. The area may include, along with natural environmental features, water areas, swimming pools, tennis courts, golf courses and other recreational uses and distances between buildings on the same lot deemed permissible by the City Planning and Zoning Commission and Council. Streets, parking areas, structures for habitation, etc., shall not be considered open space.

(36) "**Outdoor display/sales.**" Merchandise placed in an outdoor area that is open to the general public, when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

(37) "**Outdoor storage of fleet vehicles.**" The outdoor storage of cars, trucks, vans, and other vehicles, including motorized equipment on the same lot as a retail, commercial, industrial or other principal use and which are used as part of the operation of such principal use, but not including privately owned customer or employee vehicles.

(38) "**Outdoor storage.**" The storage of goods, materials, merchandise or vehicles in an area outside of a building or structure except for merchandise placed in an area for outdoor display.

(39) "**Pawn shop.**" A building or portion thereof where personal property is received and for which money is advanced, with the right of privilege granted to the person to whom said money is advanced to reclaim such property upon repayment of said money, together with all legal charges incident thereto.

(40) "**Personal service establishment.**" An establishment providing services that are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, and massage establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

(41) "**Planning and Zoning Code**" means Part Thirteen of these Codified Ordinances comprising Titles One through Eleven.

(42) "**Public notice**" is information alerting citizens of government or government-related activities. When used in reference to a hearing before the Planning and Zoning Commission, public notice shall mean fifteen days, when used in reference to a hearing before Council, public notice shall mean thirty days.

(43) "**Rear yard**" means an open, unoccupied space on the same lot with a building, between the rear line of the building and the rear line of the lot.

(44) "**Residential facility family home.**" See definition under "Group Housing."

(45) "**Residential facility group home.**" See definition under "Group Housing."

(46) "**Retail establishment.**" An establishment engaged in the selling or renting of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours and has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows may be considered. This term does not include any adult entertainment uses. This term includes, but is not limited to, artist's studios, portrait studios, and bakeries.

(47) "**Rooming house**" or "**furnished room house**" means a building or part thereof, not a hotel or inn, in which sleeping rooms are available for hire as lodging with or without meals. Where equipment for cooking or provisions for the same are included in a sleeping room, such room shall be deemed to be a dwelling unit.

(48) "**Senior Citizens Building.**" See definition under "Dwelling types".

(49) "**Side yard**" means an open, unoccupied space, on the same lot with a building, situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

(50) "**Single-family dwelling.**" See definition under "Dwelling types."

(51) "**Street line**" means the dividing line between the street and the lot.

(52) **“Sweepstakes terminal café.”** Parking shall be provided in compliance with Section 1389.04 for the sweepstakes terminal café, in addition to the required parking for all main uses of the premises. Applicants for multi-tenant properties shall supply a parking site plan demonstrating compliance with the requirements of Chapter 1389 of the Euclid Codified Ordinances as well as a parking site plan for the sweepstakes terminal café use, except that sweepstakes terminal café accessory use premises of less than 10% of the floor area of the main use of the premises shall not require parking spaces in excess of the parking required for the main use of the premises. The exterior property of sweepstakes terminal café main use premises shall, as much as practical, be brought into compliance with applicable requirements for fencing, landscaping, and parking layout as required for a change of use.

(53) **“Tattoo parlor” or “branding parlor.”** A building or portion thereof where the tattooing or branding of human body parts is administered or from which a tattooing or branding business or service is operated.

(54) **“Three-Family Dwelling.”** See definition under “Dwelling types”.

(55) **“Townhouse Development.”** See definition under “Dwelling types”.

(56) **“Two-family dwelling.”** See definition under “Dwelling types”.

(57) **“Zoning Code”** means Ordinance 2812, as amended, which comprises Titles Five through Eleven of the Planning and Zoning Code.

(58) **“Zoning Lot”** means any lot or set of lots, which are under common ownership and are used by the Zoning Commissioner, Building Commissioner or City Engineer in the review and approval of construction permits or certificates of occupancy as required by the Euclid Codified Ordinances shall constitute a zoning lot. This set of lots is to contain all land needed to provide for conformity with required yard areas, open spaces, open perimeter and fire access requirements, parking, landscaping, storm water retention and treatment areas or other structures needed to ensure that a building or legal occupancy conforms with the Euclid Codified Ordinances.

(59) **“Zoning Ordinance”** means Ordinance 2812, adopted November 13, 1922.

**CHAPTER 1352
U1 and U2 Residential Districts**

- 1352.01 Residential Districts.
- 1352.02 Definitions.
- 1352.03 Compliance Required.
- 1352.04 Principally Permitted and Conditional Uses.
- 1352.05 Accessory Uses and Structures.
- 1352.06 Height Requirements.
- 1352.07 Lot Area and Lot Width Requirements.
- 1352.08 Front Yard Setback Requirements.
- 1352.09 Side Yard Setback Requirements.
- 1352.10 Rear Yard Setback Requirements.
- 1352.11 Minimum Residential Floor Area.

1352.01 RESIDENTIAL DISTRICTS.

- (a) This chapter establishes regulations for lower-density residential districts, which include the following:
 - (1) U1 Residential District
 - (2) U2 Residential District
- (b) Where district regulations contained in this Chapter differ from those elsewhere in this zoning ordinance or those indicated on the Zone Map, the regulations set forth in this Chapter shall prevail.

1352.02 DEFINITIONS.

Section 1311.01 and Chapter 1321 of this zoning code should be referenced. Words herein not specifically defined in Section 1311.01 and Chapter 1321 are to be construed in their customary sense.

1352.03 COMPLIANCE REQUIRED.

In U1 and U2 Districts, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, except as provided in this Chapter.

1352.04 PRINCIPALLY PERMITTED AND CONDITIONAL USES.

(a) The uses permitted in the U1 and U2 Residential Districts are indicated in Table 1352.04, with a 'P' indicating a Permitted Use and a 'C' indicating a Conditional Use. A blank cell indicates that a use is prohibited. All other uses not listed in Table 1352.04 shall be considered prohibited. See Chapter 1368 for additional information involving conditional use procedures and regulations.

Table 1352.04		
	U1	U2
Residential		
Single-family dwelling	P	P
Two-family dwelling	P	P
Double house dwelling	P	P
Three-family dwelling		P

Townhouse development ^(c)		C
Group Housing Facilities ^{(a), (b)}		
Adult family home	P	P
Residential facility family home	P	P
Other & Institutional		
Public parks, not including amusement parks	P	P
The raising of crops or nurseries, but not including any commercial greenhouses	P	P
Public and private elementary, secondary and high school; ^(c)	C	C
Public library ^(c)	C	C
Churches/religious assembly ^(c)	C	C
<p>^(a) Must comply with all applicable State and Federal Laws and Regulations.</p> <p>^(b) See additional regulations contained in this Chapter.</p> <p>^(c) See additional regulations regarding conditional uses in Chapter 1368.</p>		

(b) Group Housing Facilities.

- (1) Definitions for "Adult family home" and "Residential facility family home" are contained in Chapter 1321.
- (2) Prior to a handicapped person commencing residence in a residential facility family home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. § 3602(h) of the Federal regulations.
- (3) Such facility shall present evidence that it meets the certification, licensing, and approval requirements of the appropriate State agency, if any.

1352.05 ACCESSORY USES AND STRUCTURES.

(a) See Chapters 1377, 1385, and 1388 for regulations pertaining to accessory uses in residential districts.

(b) In addition, the following accessory uses are permitted in the U1 and U2 Districts:

- (1) Family Day Care Home, Type B, shall be a permitted accessory use to an occupied single-family dwelling unit.
 - A. According to Ohio R.C. 5104.054, any type "B" family day-care home, whether certified or not certified by the County Director of Human Services, shall be considered to be a residential use of property for purposes of zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type "B" family day-care home is a permanent residence of the provider where child care is provided for one to six children and where no more than three children are under two years of age. For the purpose of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted.
 - B. Family Day Care Home, Type B, shall conform to regulations and standards for single-family dwellings set forth in this Chapter.
- (2) A day care center located in an approved religious assembly or school facility is considered an accessory use that requires approval by the Planning Commission and shall conform to additional regulations set forth in Chapters 1368 and 1377.

1352.06 HEIGHT REQUIREMENTS.

- (a) In the U1 and U2 Districts, all single-family, single-family attached, and two-family dwellings shall not be in excess of two and one-half stories or thirty-five feet in height.
- (b) In the U2 District, all three-family dwellings shall not be in excess of three stories or forty feet in height.
- (c) In the U1 and U2 Districts, a church, school or library building shall not be in excess of four stories or fifty feet in height.
- (d) All other principal buildings in the U1 and U2 Districts shall not be in excess of two and one-half stories or thirty-five feet in height.
- (e) See Section 1379.02 for exceptions to height requirements in the U1 and U2 Districts.

1352.07 LOT AREA AND LOT WIDTH REQUIREMENTS.

(a) In U1 and U2 Residential Districts all lots shall conform to the minimum lot area and width requirements set forth in Table 1352.07.

Table 1352.07

	U1		U2	
	Lot Area	Lot Width	Lot Area	Lot Width
Residential				
Single-family dwelling ^(a)	5,000 sf	40 ft	4,000 sf	35 ft
Two-family dwelling	5,000 sf	40 ft	4,000 sf	35 ft
Double house dwelling	5,000 sf	40 ft	4,000 sf	40 ft
Three-family dwelling	N/A	N/A	5,000 sf	45 ft

Townhouse Development	N/A	N/A	1,800 sf/du (d)	18 ft/du ^(d)
Group Housing Facilities				
Adult family home ^{(b), (c)}				
Residential facility family home ^{(b), (c)}				
Other & Institutional				
Public parks, not including amusement parks	—	—	—	—
The raising of crops or nurseries, but not including any commercial greenhouses	—	—	—	—
Public and private elementary, secondary, and high school ^(d)				
Public library ^(d)				
Churches/religious assembly ^(d)				
<p>^(a) See additional regulations contained within this section.</p> <p>^(b) Area and width shall meet requirements for single-family dwellings.</p> <p>^(c) Must comply with all applicable State and Federal Laws and Regulations.</p> <p>^(d) See Conditional Use Regulations in Chapter 1368.</p>				

- (b) Lot Area shall mean useable interior area of a lot or parcel.
- (1) Minimum lot area shall conform to Table 1352.07, unless the lot is a corner lot, in which case minimum lot size shall be 4,000 square feet in U1, and 3,200 square feet in U2.
 - (2) However, in computing area of the lot for the purpose of this Section, any part of the area of any corner lot in excess of 8,000 square feet shall be considered an interior lot.
- (c) For any lot separately owned at the time of the passage of the Zoning Ordinance or on any numbered lot in a recorded subdivision that is on record in the office of the County Recorder at the time of the passage of this Zoning Ordinance, a permitted structure may be erected, even if said lot does not meet minimum lot size and width requirements provided proposed structures meet all other setback regulations.
- (d) Townhouses and townhouse developments.
- (1) Townhouse developments shall conform to necessary regulations set forth in Chapter 1368.
 - (2) Each townhouse shall be situated on its own parcel which shall have a width of at least eighteen (18) feet. The minimum parcel size for each townhouse shall conform to the requirements set forth in Table 1352.07.
 - (3) Townhouses must be constructed as part of a townhouse development which includes three (3) or more individual townhouses. The minimum project dimensions for a townhouse development are: Minimum width = 69 feet; Minimum Area = 6,900 square feet.
- (e) Flag lots or Rear Residential Dwellings. In U1 and U2 Districts, every dwelling shall have access to a public street and if located in the rear of other buildings with no immediate street frontage, an easement for access shall be provided over an unoccupied strip of land at least ten (10) feet in width, and such reserved strip may not form a part of any yard or lot areas required by this Zoning Code.
- (1) If the dwelling is an accessory dwelling structure, sharing the same lot or parcel as a lot or parcel fronting a street, the access easement shall be recorded with the city on the parcel map and descriptions.
 - (2) If the dwelling is to be located on a separate lot or parcel behind one fronting the street, the creation of this "flag lot" must go before the Planning Commission for review and approval.
- (f) See also Supplemental Area Regulations contained in Chapter 1381.

1352.08 FRONT YARD SETBACK REQUIREMENTS.

- (a) The front setback, or building line in the U1 and U2 Districts shall conform to the following, such that when a lot is located on the street indicated, no building shall be erected closer to the street right-of-way than indicated:

Table 1352.08

	U1 and U2
Euclid Ave. ^{(a), (b)}	30 ft
Lake Shore Blvd. ^{(a), (b)}	30 ft
E. 185 th St. ^{(a), (b)}	14 ft
<p>^(a) Unless the average of the adjacent front yard setbacks is less, in which case residential development shall conform to that average.</p> <p>^(b) Unless proposed residential development is a Townhouse Development, in which case a smaller front yard setback may be proposed, to be approved by the City Planning and Zoning Commission.</p>	

- (b) All other streets:
- (1) On streets where permitted residential development has occurred, the front yard setback shall be the median of front setbacks on the subject property's respective side of the block street, or the average of

the adjacent front yard setbacks, whichever is larger. However, in all instances the front yard setback shall be no less than 20 feet.

(2) On streets where permitted residential development has not occurred or no building line has been established, the front yard setback or building line shall be 30 feet.

(c) Regulations for uses and accessory uses in front yards are set forth in Chapter 1385.

1352.09 SIDE YARD SETBACK REQUIREMENTS.

(a) All dwellings in U1 and U2 Districts shall have a side yard along each lot line other than a front line or rear line.

(b) Each single-family dwelling, two-family dwelling, and three-family dwelling shall be deemed a separate building and shall have side yards.

(c) Requirements for side yards in U1 and U2 Residential Districts are as follows:

Table 1352.09

	Lots 50 ft or less in width		Lots greater than 50 ft	
	Minimum Side Yard (one side)	Total Combined Side Yards	Minimum Side Yard (one side)	Total Combined Side Yards
Residential				
Single-family, Two-family dwelling	3 ft	10 ft	5 ft	15 ft
Double-house dwelling ^(a)	3 ft	15 ft	5 ft	15 ft
Three-family dwelling	3 ft	10 ft	5 ft	15 ft
Townhouse development ^(a)	3 ft	15 ft	5 ft	15 ft
Group Housing Facilities				
Adult family home ^(b)	3 ft	10 ft	5 ft	15 ft
Residential facility family home ^(b)	3 ft	10 ft	5 ft	15 ft
Other & Institutional				
Public parks, not including amusement parks	5 ft	10 ft	5 ft	10 ft
The raising of crops or nurseries, but not including any commercial greenhouses	5 ft	10 ft	5 ft	10 ft
Public and private elementary, secondary, and high school ^(c)				
Public library ^(c)				
Churches/religious assembly ^(c)				
^(a) See additional regulations in this Chapter. ^(b) Must comply with all applicable State and Federal Laws and Regulations. ^(c) See Conditional Use Regulations in Chapter 1368.				

(d) Exceptions. All attached side-by-side dwellings, including single-family attached dwellings, double houses, or townhouses can be considered a single building such that the side of the lot where the dwelling units are attached shall not be required to have a side yard.

1352.10 REAR YARD SETBACK REQUIREMENTS.

(a) Every building in the U1 and U2 Districts shall have a rear yard.

(b) All rear yards shall be at least fifteen feet or one-half the height of the building, whichever is larger, but need not be more than forty feet in depth.

(c) Accessory Structures in Rear Yards.

(1) Forty percent of the area of such yard may be occupied by one accessory building not more than fifteen feet in height. However, on a corner lot, the rear line of which is identical with the side line of an interior lot, no such accessory building, if detached from the main building, shall be erected within twenty feet of any street line or within ten feet of the rear lot line.

(2) There shall be a minimum of ten feet between a dwelling and an accessory building.

1352.11 MINIMUM RESIDENTIAL FLOOR AREA.

(a) All residential structures in the U1 and U2 Districts shall be constructed to have a minimum livable floor area, excluding basement and utility room areas, based on the table set forth below:

Table 1352.11

	Minimum Floor Area	
	Lots 10,000 square feet and less	Lots over 10,000 square feet
Single-family, Two-family, Three-family dwelling	1,250 sf/structure	1,500 sf/structure
Double-house dwelling and Townhouse	650 sf/unit	750 sf/unit

(b) The above floor area requirement shall not apply in the Attached Single-Family Districts or to single-family dwelling units approved under the terms of a residential planned development per Section 1365.06 of the Euclid Zoning Code.

CHAPTER 1354

U3 Multiple Family Residential District

- 1354.01 Multi-Family Residential District.
- 1354.02 Definitions.
- 1354.03 Compliance Required.
- 1354.04 Principally Permitted and Conditional Uses.
- 1354.05 Accessory Uses and Structures.
- 1354.06 Height Requirements.
- 1354.07 Lot Area and Lot Width Requirements.
- 1354.08 Front Yard Setback Requirements.
- 1354.09 Side and Rear Yard Setback Requirements.
- 1354.10 Additional Apartment Building Setback Requirements.
- 1354.11 Minimum Floor Area.
- 1354.12 Landscaped Areas and Lot Coverage.

1354.01 MULTI-FAMILY RESIDENTIAL DISTRICT.

- (a) This chapter establishes regulations for the higher-density residential U3 Multiple Family (Multi-Family) Residential District.
- (b) Where district regulations contained in this Chapter differ from those elsewhere in this zoning ordinance or those indicated on the Zone Map, the regulations set forth in this Chapter shall prevail.

1354.02 DEFINITIONS.

Section 1311.01 and Chapter 1321 of this zoning code should be referenced. Words herein not specifically defined in Section 1311.01 and Chapter 1321 are to be construed in their customary sense.

1354.03 COMPLIANCE REQUIRED.

- (a) All buildings and structures erected and used in the U3 District shall conform to regulations set forth in this Chapter.

1354.04 PRINCIPALLY PERMITTED AND CONDITIONAL USES.

- (a) All uses permitted in the U2 Residential District as established in Table 1352.04 shall also be permitted in the U3 Multi-Family District.
- (b) All conditional uses in the U2 Residential District as established in Table 1352.04 shall also be conditionally permitted in the U3 Multi-Family District, unless otherwise indicated in Table 1354.04.
- (c) Additional uses permitted in the U3 Multi-Family District are indicated in Table 1354.04, with a 'P' indicating a Permitted Use and a 'C' indicating a Conditional Use. A blank cell indicates that a use is prohibited. All other uses not listed in Table 1354.04 shall be considered prohibited.

Table 1354.04

	U3
Residential	
Apartment house	P
Elevator apartment house	C
Group Housing Facilities (a), (b)	
Adult group homes (a), (b)	P
Residential facility group homes (a), (b)	P
Other & Institutional	
Public and private elementary, secondary, and high schools (c)	C
Public library (c)	C
Churches/religious assembly (c)	C
(a) See additional regulations in this Chapter.	
(b) Shall conform to all applicable State and Federal laws and regulations.	
(c) See Conditional Use Regulations in Chapter 1368.	

- (d) Group Housing Facilities. The specific regulations for group housing units, limited to adult group homes and residential facility group homes, shall be as follows:
 - (1) Definitions for "Adult group home" and "Residential facility group home" are contained in Chapter 1321.
 - (2) Prior to a handicapped person commencing residence in a residential facility group home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. § 3602(h) of the Federal regulations.

- (3) The group housing unit shall present evidence that it meets the certification, licensing, and approval requirements of the appropriate State agency and shall retain the required license from the appropriate State department at all times. Failure to do so shall be a violation of this Planning and Zoning Code.
- (4) The architectural design and site layout of the group housing unit and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
- (5) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.
- (6) No group housing unit shall be located within 500 feet of another group housing unit. Separation distances are measured from property line to property line by the shortest distance.
- (7) The group housing unit shall meet local fire safety and building code requirements for the proposed use and level of occupancy.
- (8) Signs or other means of identifying a group housing unit shall not be permitted.

1354.05 ACCESSORY USES AND STRUCTURES.

- (a) See Chapters 1377, 1385, and 1388 for regulations pertaining to accessory uses in residential districts.
- (b) All accessory uses permitted in the U1 and U2 Residential Districts shall be permitted in the U3 Multi-Family District.
- (c) In addition, the following accessory uses are permitted in the U3 District:
 - (1) A community center building accessory to an apartment house or complex and serving only the residents of the apartment house or complex.

1354.06 HEIGHT REQUIREMENTS.

- (a) All buildings in the U3 District shall conform to the following:
 - (1) Notwithstanding any other provisions of this chapter for an apartment house building, the maximum height shall be limited to thirty-five feet.
 - (2) Elevator apartment house buildings shall be no more than 200 feet but shall not be less than fifty (50) feet in height, excluding accessory structures on roofs.
 - (3) All other buildings shall be no more than 4 stories or fifty (50) feet.
- (b) See Section 1379.02 for exceptions to height requirements in the U3 District.

1354.07 LOT AREA AND LOT WIDTH REQUIREMENTS.

- (a) In the U3 Multi-family District, all principally permitted and conditional uses in the U2 District shall comply with regulations set forth in Chapter 1352.
- (b) In the U3 Multi-family District, all principally permitted and conditional uses all lots shall conform to the minimum lot area and width requirements set forth in Table 1354.07.

Table 1354.07

	Lot Area	Lot Width
Residential		
Apartment house (a)	2,500 sf/du	100 ft
Elevator apartment house	700 sf/du	100 ft
Group Housing Facilities		
Adult group homes (a), (b), (c)		
Residential facility group homes (a), (c)		
Institutional & Other	See Table 1352.07	
All other uses:	See Table 1352.07	
(a) See additional regulations in this Chapter.		
(b) Area and width shall meet requirements for apartment houses.		
(c) Must comply with all applicable State and Federal Laws and Regulations.		

- (c) Lot Area shall mean useable interior area of a lot or parcel.
- (d) Notwithstanding the requirements set forth in other sections of this Chapter, in the development of an apartment house or elevator apartment house project of two or more buildings, the creation of a single sublot for each building shall not be required, although the project may be held to subdivision regulations contained within this Zoning Code if the development project meets the definition of a subdivision.
- (e) Apartment Houses:
 - (1) Minimum lot area shall conform to table 1354.07, unless the lot is a corner lot, in which case minimum lot area shall be 2,000 square feet per dwelling unit.
 - (2) However, in computing area of the lot for the purpose of this Section, any part of the area of any corner lot in excess of 8,000 square feet shall be considered an interior lot.
- (f) Flag lots or Rear Residential Dwellings. In the U3 District, every lot shall have access to a public street and if located in the rear of other buildings with no immediate street frontage, an easement for access shall be provided over an unoccupied strip of land at least ten (10) feet in width, and such reserved strip may not form a part of any yard or lot areas required by this Zoning Code.

- (1) If the dwelling is an accessory dwelling structure, sharing the same lot or parcel as a lot or parcel fronting a street, the access easement shall be recorded with the city on the parcel map and descriptions.
- (2) If the dwelling is to be located on a separate lot or parcel behind one fronting the street, the creation of this "flag lot" must go before the Planning and Zoning Commission for review and approval.
- (g) See also Supplemental Area Regulations contained in Chapter 1381.

1354.08 FRONT YARD SETBACK REQUIREMENTS.

- (a) Where a building line is shown on the Zone Map as an existing alignment line, the alignment of the buildings existing along such frontage shall determine the building line.
- (b) The front setback or building line in the U3 District shall conform to the following, such that when a lot is located on the street indicated, no building shall be erected closer to the street right-of-way than indicated:

Table 1354.08

Euclid Ave.(a), (b)	30 ft
Lake Shore Blvd.(a), (b)	30 ft
E. 185 th St. (a), (b)	14 ft
Tungsten Rd. from Chardon Rd. to E. 222 nd St. (a)	30 ft
South side of St. Clair Ave. from E. 200 th St. to E. 222 nd St. (b)	30 ft
(a) Unless the average of the adjacent front yard setbacks is less, in which case residential development shall conform to that average.	
(b) Unless proposed residential development is a Townhouse Development, in which case a smaller front yard setback may be proposed, to be approved by the City Planning and Zoning Commission.	

- (c) On any street frontage other than Euclid Avenue or Lake Shore Boulevard in the U3 District, where permitted residential development has not occurred or no building line has been established, the front yard setback or building line shall be 30 feet.
- (d) Additional regulations regarding front yards and accessory uses in front yards are set forth in Sections 1354.09 and 1354.11.

1354.09 SIDE AND REAR YARD SETBACK REQUIREMENTS.

- (a) All buildings in the U3 District shall have a side yard along each lot line other than a front line or rear line.
- (b) Apartment Houses and Elevator Apartment Houses shall have a side yard setback of 10% of the average lot width on both sides, or at least twelve feet, whichever is larger.
 - (1) Notwithstanding the requirements set forth in other sections of this chapter, in the development of an apartment house project of one or more buildings, the yards between buildings or parts of the same building and the yards between any building and a side or rear lot line shall be designed and constructed in accordance with yard regulations set forth in Section 1354.10.
- (c) Other uses permitted in the U3 Multi-Family District shall have side and rear yards which conform to regulations set forth in Section 1352.09 and 1352.10.
- (d) Side and rear yard exceptions.
 - (a) The area required in a side or rear yard shall be open to the sky from the established grade or from the natural grade. Such area shall be unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than eighteen inches, except that, within five feet of the street wall, a cornice may project not over three feet into such yard, and provided that if the building is not over two and one-half stories in height, the cornice may project not more than two and one-half feet into such yard.
 - (b) A building and any accessory building erected on the same lot shall, for the purpose of side and rear requirements, be considered as a single building.

1354.10 ADDITIONAL APARTMENT BUILDING SETBACK REQUIREMENTS.

In order to encourage greater flexibility in design and more attractive arrangements of buildings and greater utilization of open spaces, yard regulations for apartment house buildings are hereby established.

The yards of apartment house buildings shall be related to the space within the dwelling units as well as the yards. Buildings shall be arranged so as to assure privacy between adjacent buildings and intersecting wings of buildings, from streets and parking and recreation areas in accordance with the following:

- (a) Minimum Distance Between Facing and Overlapping Buildings. The minimum distance(s) between any two apartment house buildings or parts thereof in a development area will vary according to the length (L) and height (H) of buildings. Such minimum distance(s) shall be determined by the formula: **Minimum Distance(s) = (LA + LB + HA + HB)/ f**. With the elements of such formula being defined as follows:
 - (1) Minimum Distance(s) means the required minimum horizontal distance between any wall of building A and the nearest wall of building B or the vertical prolongation of either.

- (2) "LA" means the total length of building A which, for the purposes of the formula, is defined as the length of the portion or portions of any wall or walls of building A from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building B.
 - (3) "LB" means the total length of building B which, for the purposes of the formula, is defined as the length of the portion or portions of any wall or walls of building B from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building A.
 - (4) "HA" means the height of building A.
 - (5) "HB" means the height of building B.
 - (6) "f" means the division factor, which shall be: 5 for an apartment house, U3 District; and U3EL Districts.
 - (7) The elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.
- (b) Minimum Distance in Oblique and Angular Building Arrangements. The minimum distance(s) in such arrangements are determined by the formula: **Minimum Distance(s) = (LA 1 + LA 2 + LB + HA + HB)/f**. With the elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.
- (c) Minimum Distance Between Nonoverlapping Walls. Where walls of two buildings do not directly face each other or do not overlap, i.e. where lines drawn perpendicular from the face of any wall of one building will not intersect the face of any wall of another building, the minimum horizontal distance between such buildings shall not be less than one-half of the combined height of the two buildings. Such minimum distance(s) shall be determined by the formula: **Minimum Distance(s) = (HA + HB)/2**, with the elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.
- (d) Minimum Distance Between Walls of Court Arrangements. In arrangements where two or more buildings are connected by a common entranceway of two stories or less, the entire length of the principal buildings shall be used to determine the length (L) factor. The minimum distance(s) shall be determined by applying the formula set forth in subsection (a) hereof.
- (1) In arrangements of parallel walls with offset sections, the distance between the section of walls shall be derived from such formula and shall be measured as the average distance, provided that the minimum distance(s) between any two facing sections shall be not less than sixty feet. The elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.
 - (2) In U-shaped arrangements the minimum distance(s) between the parallel walls (A and B) facing the court are determined by the formula: **Minimum Distance(s) = (2(LA + LB) + HA + HB)/f**, with the distance(s) between any two facing sections shall be not less than sixty feet. The elements of the formula are shown on the illustrations following subsection (h) hereof and defined above.
 - (3) In H-shaped arrangements the minimum distance(s) between the parallel buildings as indicated by the measurement of walls LA and LB facing the court are determined by the formula: **Minimum Distance(s) = (LA + LA' + LB + LB' + HA + HB)/f**, with the minimum distance(s) between any two facing sections shall be not less than sixty feet. The elements of the formula are shown on the illustrations following subsection (h) hereof and as defined above.
- (e) Minimum Distance Between Buildings and Side or Rear Lot Lines. The minimum distance(s) between any apartment building or parts thereof in a development area and any side or rear line of such development area shall vary according to the length and height of the building. Such minimum distance(s) shall be determined by the following formulas:
- (1) Where land zoned U3 abuts U1 or U2 Districts: **Minimum Distance(s) = (A + L + H)/f**
 - (2) Where land zoned U3 abuts all other zoned uses: **Minimum Distance(s) = (A + L + H)/2f**
 - (3) The elements of such formula being described as follows:
 - A. A = twenty feet where the (L) is less than fifty feet and the (H) is less than thirty-five feet. In all other cases "A" shall be fifty feet.
 - B. L = length of the property line in feet measured between perpendicular lines to the property line where such perpendiculars touch the extreme ends of the building.
 - C. H = height of building in feet.
 - D. f = division factor from the schedules below:
 - (1) Buildings whose length (L) is up to 100 feet and:
 - (a) the height (H) is up to 50 feet F = 5
 - (b) the height (H) is 50.1 to 100 feet F = 3
 - (c) the height (H) is 100.1 to 150 feet F = 2
 - (d) the height (H) is 150.1 and up F = 1.5
 - (2) Buildings whose length (L) is from 100.1 feet to 250 feet and:
 - (a) the height (H) is up to 50 feet F = 3.5
 - (b) the height is from 50.1 feet to 100 feet F = 2.5
 - (c) the height (H) is from 100.1 and up F = 1.5
 - (3) Buildings whose length (L) is 250.1 feet or more and:
 - (a) the height (H) is up to 50 feet F = 2.5
 - (b) the height (H) is from 50.1 to 100 feet F = 1.5
 - (c) the height (H) is from 100.1 feet and up F = 1
 - (f) When computing the setback formula for buildings of more than one wing, all wings that are within fifteen degrees of being perpendicular to the property line shall be considered as a separate building for

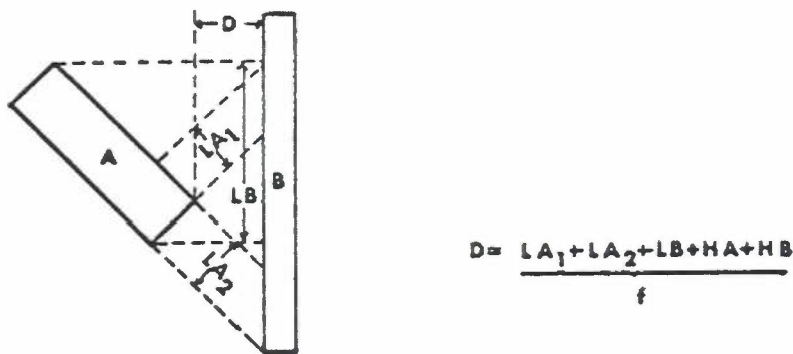
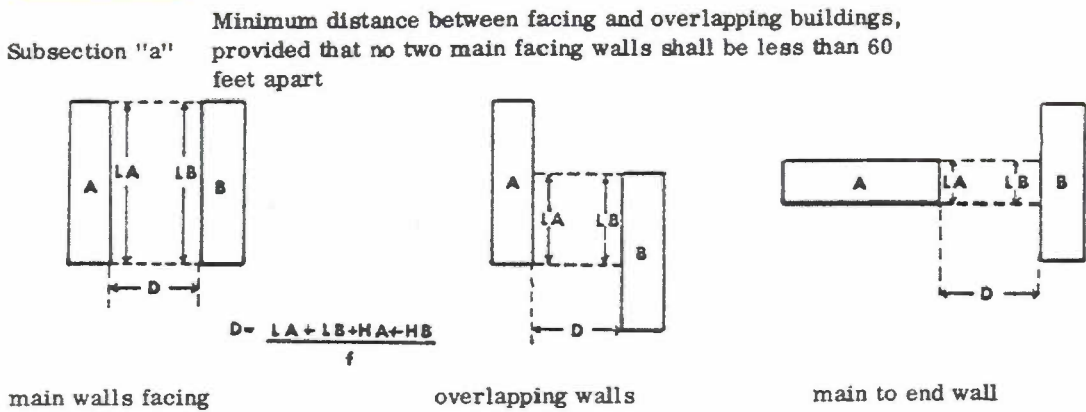
measurement purposes. All attached wings that are not within fifteen degrees of the perpendicular to the property line shall be considered as one continuous building and the entire length between perpendicular lines to the property line shall be used for determining the length requirement of the formula.

- (g) The required setback shall be measured from the wall plane or point that is the closest to the property line.
- (h) Distances From Main Building to Accessory Uses. The minimum distance(s) from any apartment house building to parking areas, driveways, walks and recreation areas to the development area boundaries, as set forth in this subsection, are desirable criteria to be applied in the site planning.

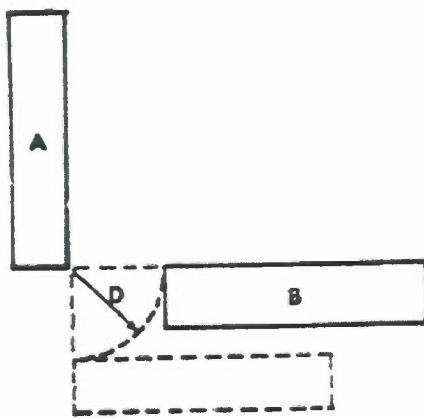
Table 1354.10

Accessory Use	From Apartment Buildings		From Boundary Lines (feet)
	Main Wall (feet)	End Wall (feet)	
(1) Parking areas	10	20	20
(2) Private streets (except at entrances)	30	30	10
(3) Walks (public use)	15	10	10
(4) Recreation areas (active play)	40	30	15

- (i) The minimum distance(s) set forth in the schedule are intended to be applied to:
 - (1) Main wall. Any exterior wall containing the principal windows of a living, dining or sleeping room or rooms;
 - (2) End wall. Any exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, or principal or minor windows of kitchen or bathrooms, or a blank surface;
 - (3) Private streets. At all locations except at the garage entrance or main entrance of the dwelling served;
 - (4) Walks. Used by the public at all locations except at the entrance to the dwelling served; and
 - (5) Recreation areas. Areas used for active play.
- (j) Townhouse Dimensions. A unit of a townhouse shall be not less than eighteen feet in width and any main or longitudinal wall of a sequence of townhouse units shall not exceed 100 feet in length without a ninety degree offset of at least ten feet, and the aggregate length of any wall, including its offsets, shall not exceed 160 feet in length.
- (k) Illustrations of Yard Regulations. The following diagrams, called "Illustrations of Yard Regulations," indicate the regulations and planning criteria as set forth in this section and they are hereby made a part of this Zoning Code.



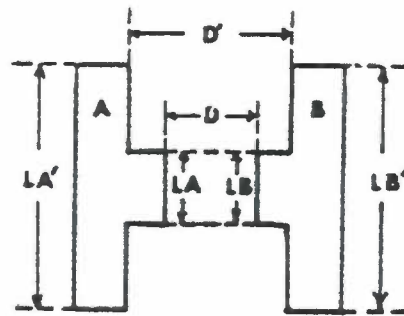
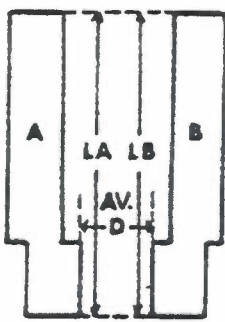
Subsection "b" Minimum distance between oblique facing buildings



$$D = \frac{HA + HB}{2}$$

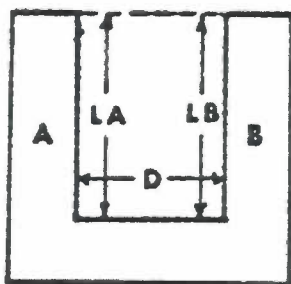
Subsection "c" Minimum distance between non-overlapping walls

Subsection "d" Minimum distance between walls of court arrangements



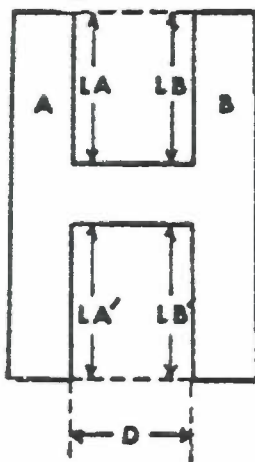
$$D = \frac{LA + LB + HA + HB}{f}$$

U-shaped arrangement



$$D = \frac{2(LA + LB) + HA + HB}{f}$$

H-shaped arrangement



$$D = \frac{LA + LA' + LB + LB' + HA + HB}{f}$$

1354.11 MINIMUM FLOOR AREA.

The minimum floor area in the U3 Multi-Family Districts is as follows.

- (a) The minimum floor area for all uses permitted in the U2 district, as set forth in Section 1352.11 shall remain the same for the U3 District.

(b) The minimum floor area for apartment houses and elevator apartment houses shall conform to the following table:

Table 1354.11 Minimum Floor Area per Dwelling Unit Based on Number of Bedrooms

Number of Bedrooms	Square Feet
1	490
2	640
3	790

1354.12 LANDSCAPED AREAS AND LOT COVERAGE.

(a) The percent of lot to be landscaped shall not be less than as set forth in the following schedule, and the ground floor area of apartment house buildings plus the total ground floor area of all accessory buildings shall not occupy or cover more of the lot than as set forth in the following schedule:

Table 1354.11 Maximum Building Coverage of Lot

	Minimum Landscaped Area of Lot (Percent)	Apartment Buildings (Percent)	All Buildings With Exposed Roofs (Percent)
Apartment House	50	15	20
Elevator Apartment House	40	15	30

(b) Landscaped areas shall be construed to be those parts of the lot developed with walks, terraces, play areas and lawns, shrubs or other plantings.

(c) The building coverage of the lot shall be construed as the total area of the main building or buildings, plus all accessory buildings. The percentage shall be the total area of buildings in ratio to the gross area of the lot expressed as a percentage. The area of all buildings shall be measured at the ground level, except accessory buildings whose roofs do not extend more than four feet above grade.

(d) Driveways, open parking areas and beach and bluff areas of lakefront lots are to be excluded from the above percentage of lot areas.

Section 3: That Chapters 1321, Definitions, 1351, U1 Single-Family House Districts, U2 Two-Family House Districts, and U3 Apartment House Districts of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid are hereby repealed:

**CHAPTER 1321
Definitions**

- ~~1321.01—Definitions generally.~~
- ~~1321.02—Tenses; plurals; lot; plot; building.~~
- ~~1321.03—Street line.~~
- ~~1321.04—Established grade.~~
- ~~1321.05—Natural grade.~~
- ~~1321.06—Height of a building.~~
- ~~1321.07—Rear yard.~~
- ~~1321.08—Front yard.~~
- ~~1321.09—Side yard.~~
- ~~1321.10—Least dimension of a yard.~~
- ~~1321.11—Lot.~~
- ~~1321.12—Family.~~
- ~~1321.13—Dwelling.~~
- ~~1321.14—Apartment house.~~
- ~~1321.15—Apartment.~~
- ~~1321.16—Single-family dwelling.~~
- ~~1321.17—Two-family dwelling.~~
- ~~1321.18—Double house.~~
- ~~1321.19—Nonconforming use.~~
- ~~1321.20—Public notice.~~
- ~~1321.21—Accessory use; accessory building.~~
- ~~1321.22—Rooming house; furnished room house.~~
- ~~1321.23—Planning and Zoning Code.~~
- ~~1321.24—Zoning Code.~~
- ~~1321.25—Zoning lot.~~
- ~~1321.26—Zoning Ordinance.~~

1321.01 DEFINITIONS GENERALLY.

—Certain words in this Planning and Zoning Code are defined for purposes of such Code, where the context so indicates as well as where the meaning so requires as provided in this chapter.

1321.02 TENSES; PLURALS; LOT; PLOT; BUILDING.

—Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot" and the word "building" includes the word "structure."

1321.03 STREET LINE.

—"Street line" means the dividing line between the street and the lot.

1321.04 ESTABLISHED GRADE.

—"Established grade" means the elevation of the street curb as fixed by City ordinance.

1321.05 NATURAL GRADE.

—"Natural grade" means the elevation of the undisturbed natural surface of the ground adjoining the building.

1321.06 HEIGHT OF A BUILDING.

—"Height of a building" means the vertical distance measured at the centerline of its principal front, from the established grade or from the natural grade if higher than the established grade, to the level of the highest point in the coping of flat roofs or to the deck line of a mansard roof or to the mean height of the highest gable of a pitched roof or to half the height of a hipped roof. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured to the level of the highest point of the building.

1321.07 REAR YARD.

—"Rear yard" means an open, unoccupied space on the same lot with a building, between the rear line of the building and the rear line of the lot.

1321.08 FRONT YARD.

—"Front yard" means an open, unoccupied space on the same lot with a building, between the front line of the building and the front line of the lot.

1321.09 SIDE YARD.

—"Side yard" means an open, unoccupied space, on the same lot with a building, situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

1321.10 LEAST DIMENSION OF A YARD.

—"Least dimension of a yard" means the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel, the horizontal dimensions between them shall be deemed to be the mean distance between them.

1321.11 LOT.

—"Lot" means a single contiguous tract or parcel of land as shown by properly recorded records on file in the office of the Recorder of Cuyahoga County, Ohio.

1321.12 FAMILY.

—"Family" means a single individual living upon the premises as a separate housekeeping unit, or a collective body of persons living together upon the premises as a single housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond.

1321.13 DWELLING.

—"Dwelling" means a building arranged, intended or designed to be occupied by not more than two families living independently of each other and doing their own cooking upon the premises.

1321.14 APARTMENT HOUSE.

—"Apartment house" means a building arranged or designed to be occupied by three or more families living independently of each other and doing their own cooking upon the premises or by three or more individuals or groups of individuals living independently but having a common heating system and general dining room.

1321.15 APARTMENT.

—"Apartment" means a room or suite of rooms in an apartment house, which room or suite is arranged, intended or designed to be occupied as the residence of a single family, individual or group of individuals.

1321.16 SINGLE-FAMILY DWELLING.

—"Single family dwelling" means a dwelling either detached or semidetached, arranged, intended or designed to be occupied by a single family.

1321.17 TWO-FAMILY DWELLING.

—"Two family dwelling" means a detached dwelling arranged, intended or designed to be occupied by two families, one of which has its principal living rooms on the first floor and the other of which has its principal living rooms on the second floor.

—"Two family dwelling shall have not less than four living rooms and a bathroom for each family, and shall have a basement containing not less than 700 square feet.

1321.18 DOUBLE HOUSE.

—"Double house" means two family dwellings with a fireproof party wall between, and each of which conforms to requirements for a single family dwelling.

1321.19 NONCONFORMING USE.

“Nonconforming use” means one that does not comply with the regulations of the use district in which it is situated.

1321.20 PUBLIC NOTICE.

(a) “Public notice,” when used in reference to a hearing before the Planning and Zoning Commission, means fifteen days.

(b) “Public notice,” when used in reference to a hearing before Council, means thirty days.

1321.21 ACCESSORY USE; ACCESSORY BUILDING.

“Accessory use” or “accessory building” means a use or building customarily incident to and located on the same lot with another use or building.

1321.22 ROOMING HOUSE; FURNISHED ROOM HOUSE.

“Rooming house” or “furnished room house” means a building or part thereof, not a hotel or inn, in which

sleeping rooms are available for hire as lodging with or without meals. Where equipment for cooking or provisions for the same are included in a sleeping room, such room shall be deemed to be a dwelling unit.

1321.23 PLANNING AND ZONING CODE.

“Planning and Zoning Code” means Part Thirteen of these Codified Ordinances comprising Titles One through Eleven.

1321.24 ZONING CODE.

“Zoning Code” means Ordinance 2812, as amended, which comprises Titles Five through Eleven of the Planning and Zoning Code.

1321.25 ZONING LOT.

Any lot or set of lots, which are under common ownership and are used by the Zoning Commissioner, Building Commissioner or City Engineer in the review and approval of construction permits or certificates of occupancy as required by the Euclid Codified Ordinances shall constitute a zoning lot. This set of lots is to contain all land

needed to provide for conformity with required yard areas, open spaces, open perimeter and fire access requirements, parking, landscaping, storm water retention and treatment areas or other structures needed to

insure that a building or legal occupancy conforms with the Euclid Codified Ordinances.

1321.26 ZONING ORDINANCE.

“Zoning Ordinance” means Ordinance 2812, adopted November 13, 1922.

CHAPTER 1351

U1 Single-Family House Districts

1351.01 Compliance required.

1351.02 Permitted uses.

1351.03 Conditional uses.

1351.01 COMPLIANCE REQUIRED.

— In a Class U1 District no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, except for a Class U1 use.

1351.02 PERMITTED USES.

— The permitted uses in a Class U1 Single-Family House District shall be as follows:

(a) A public park, not including an amusement park;

(b) A single-family dwelling;

(c) The raising of crops or nurseries, but not including any commercial greenhouses;

(d) Group housing units limited to adult family homes and residential facility family homes. For the purposes of these regulations, the above terms are defined as follows:

(1) “Adult family home.” A facility that is licensed by the Ohio Department of Health to provide accommodations for not more than five adults and to provide personal care services to these resident adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets. Such facility shall present evidence that it meets the certification, licensing, and approval requirements of the appropriate State agency.

(2) “Residential facility family home.” A facility licensed by the Ohio Department of Mental Health to provide accommodations to not more than eight mentally retarded or developmentally disabled persons and to provide personal care, supervision, habilitation services and mental health services in a family setting.

A. Prior to a handicapped person commencing residence in a residential facility family home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. § 3602(h) of the Federal regulations.

B. Such facility shall present evidence that it meets the certification, licensing, and approval requirements of the appropriate State agency.

(e) Family Day Care Home, Type B, Accessory to an Occupied Dwelling Unit. According to Ohio R.C. 5104.054, any type “B” family day care home, whether certified or not certified by the County Director of Human Services, shall be considered to be a residential use of property for purposes of zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type “B” family day care home is a permanent residence of the provider where child care is provided for one to six children and where no more than three

children are under two years of age. For the purpose of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted.

~~1351.03 CONDITIONAL USES.~~

~~—Conditional uses that may be permitted in a Class U1 Single-Family House District are listed below and are regulated in Chapter 1368.~~

- ~~—(a) Public and private elementary, secondary and high schools;~~
- ~~—(b) Public library;~~
- ~~—(c) Churches/religious assembly;~~
- ~~—(d) Day care center located in an approved religious assembly or school facility.~~

CHAPTER 1353
U2 Two-Family House Districts

~~1353.01 Compliance required.~~

~~1353.02 Permitted uses.~~

~~1353.03 Conditional uses.~~

~~1353.01 COMPLIANCE REQUIRED.~~

~~—In a Class U2 District no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, except for a Class U1 or U2 use.~~

~~1353.02 PERMITTED USES.~~

~~—The permitted uses in a Class U2 Two-Family House District shall be as follows:~~

- ~~—(a) Uses permitted and as regulated in a Class U1 District, Section 1351.02; and~~
- ~~—(b) Two-family dwellings.~~

~~1353.03 CONDITIONAL USES.~~

~~—Conditional uses that may be permitted in a Class U2 Two-Family House District are listed below and are regulated in Chapter 1368.~~

- ~~—(a) Conditional uses permitted in a Class U1 District, Section 1351.03.~~

CHAPTER 1355
U3 Apartment House Districts

~~1355.01 Compliance required.~~

~~1355.02 Permitted uses.~~

~~1355.03 Conditional uses.~~

~~1355.01 COMPLIANCE REQUIRED.~~

~~—In a Class U3 District no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, except for a Class U1, U2 or U3 use.~~

~~1355.02 PERMITTED USES.~~

~~—The permitted uses in a Class U3 Apartment House District shall be as follows:~~

- ~~—(a) Uses permitted and as regulated in a Class U1 District Section 1351.02 and a U2 District Section 1353.02;~~
- ~~—(b) An apartment house;~~
- ~~—(c) A community center building accessory to an apartment house or complex and serving only the residents of the apartment house or complex.~~

~~1355.03 CONDITIONAL USES.~~

~~—Conditional uses that may be permitted in a Class U3 Apartment House District are listed below and are regulated in Chapter 1368.~~

- ~~—(a) Church/religious assembly;~~
- ~~—(b) Day care center located in an approved religious assembly or school facility;~~
- ~~—(c) Group housing units limited to adult group homes and residential facility group homes. For the purposes of these regulations, the above terms are defined as follows:
 - ~~—(1) “Adult group home.” A facility that is licensed by the Ohio Department of Health to provide accommodations for six to not more than 16 adults and to provide personal care services to these resident adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets.~~
 - ~~—(2) “Residential facility group home.” A facility licensed by the Ohio Department of Mental Health to provide accommodations for nine to not more than 16 mentally retarded or developmentally disabled persons and to provide personal care, supervision, habilitation services and mental health services in a family setting.~~~~
- ~~—(d) Public and private elementary, secondary, and high schools;~~
- ~~—(e) Public libraries.~~

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Resolution No.

By – Planning & Zoning Commission

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to 1510 East 191ST, LLC, applicant, to operate an indoor mini/self-storage facility in a U4-Local Retail or Wholesale Store District, Permanent Parcel Number 646-20-003, 1520 East 191 Street, Euclid, Ohio 44117.

WHEREAS, at its meeting on August 13, 2024, the Planning and Zoning Commission approved a Use District Exception, to 1510 East 191ST, LLC, to operate an indoor mini/self-storage facility in a U4-Local Retail or Wholesale Store District, Permanent Parcel Number 646-20-003; and

WHEREAS, Chapter 1375 of the Euclid Codified Ordinances provides that whenever the Planning and Zoning Commission approves a Use District Exception that decision must be confirmed by a Euclid City Council resolution before it becomes effective.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That a Use District Exception is hereby granted, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to 1510 East 191ST, LLC, applicant, to operate an indoor mini/self-storage facility in a U4-Local Retail or Wholesale Store District, Permanent Parcel Number 646-20-003, 1520 East 191 Street, Euclid, Ohio 44117.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Resolution No.

By – Planning and Zoning Commission

A resolution granting a Conditional Use Permit pursuant to Section 1359.03(d)(4) of the Codified Ordinances of the City of Euclid, to Dawn Clayton to operate a day care facility at 24750 Lakeland Boulevard, Euclid, Ohio 44132, Permanent Parcel 648-01-009, a dual zoned property of approximately two hundred seventy-five (275) feet in length with the first one hundred eighty-five (185) feet being a U5 – Commercial District and the balance of the parcel a U6-Industrial and Manufacturing Use District.

WHEREAS, at its meeting on September 10, 2024, the Planning and Zoning Commission approved the Conditional Use Permit to Dawn Clayton to operate a daycare facility at 24750 Lakeland Boulevard; and

WHEREAS, pursuant to Section 1359.03(d)(4) of the Codified Ordinances of the City of Euclid, a Conditional Use Permit shall be subject to the approval by the Council of the City of Euclid; and

WHEREAS, the Conditional Use Permit was approved with the following conditions: 1) A landscape plan be submitted to the Architectural Review Board for review and approval; and, 2) A concave parking lot mirror and signage warning vehicular traffic to be aware of any potential pedestrian activity be placed in the north parking lot area.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Council hereby grants a Conditional Use Permit to Section 1359.03(d)(4) of the Codified Ordinances of the City of Euclid, to Dawn Clayton to operate a day care facility at 24750 Lakeland Boulevard, a U6-Industrial and Manufacturing Use District, Permanent Parcel 648-01-009, with the conditions: 1) A landscape plan be submitted to the Architectural Review Board for review and approval; and, 2) A concave parking lot mirror and signage warning vehicular traffic to be aware of any potential pedestrian activity be placed in the north parking lot area.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Holzheimer Gail

An emergency ordinance authorizing the Director of the Department of Planning and Development of the City of Euclid to enter into a contract with Community Housing Solutions, 12114 Larchmere Boulevard, Cleveland, Ohio 44120, to administer a tenant-based rental assistance program using HOME-ARP program funds totaling Eight Hundred Thirty-Nine Thousand Seven Hundred Forty-Four Dollars (\$839,744.00) for a 12-month period from October 1, 2024, through September 30, 2025.

WHEREAS, the City of Euclid is a member of the Cuyahoga Housing Consortium and has entered into a Consortium Agreement authorized by Ordinance Number 78-2008 and amended by Ordinance Number 36-2011; and

WHEREAS, the American Rescue Plan Act (“ARP”), effective March 11, 2021, included HOME Investment Partnership Program Homelessness Assistance & Supportive Services funding (“HOME-ARP”), and

WHEREAS, in November 2021, the U.S. Department of Housing and Urban Development made available Nine Million Eight Hundred Seventy-Nine Thousand Three Hundred Thirty-Nine Dollars (\$9,879,339) in HOME-ARP funds available for various housing programs to principally assist qualifying very low-income tenants; and

WHEREAS, the City of Euclid agreed to partake in implementing Tenant-Base Rent Assistance and Housing Supportive Services with HOME-ARP funds, and the County has made available a total of Eight Hundred Thirty-Nine Thousand Seven Hundred Forty-Four Dollars (\$839,744.00) to the City of Euclid; and

WHEREAS, the City of Euclid intends to partner with one or more nonprofit housing entities to carry out Tenant-Based Rent Assistance (TBRA) and Housing Supportive Services to assist qualifying Euclid Residents.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Planning and Development of the City of Euclid be, and is hereby authorized, empowered, and directed to execute a contract on behalf of the City of Euclid with Community Housing Solutions, 12114 Larchmere Boulevard, Cleveland, Ohio 44120, for a 12-month period from October 1, 2024 through September 30, 2025, that will allow for the distribution of funds not to exceed Eight Hundred Thirty-Nine Thousand Seven Hundred Forty-Four Dollars (\$839,744.00) to qualifying Euclid residents.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety, and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from after its passage and approval, to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective

Mayor

Resolution No.

By – Mayor Holzheimer Gail

A resolution to accept the recommendations of the City of Euclid Tax Incentive Review Council (TIRC) for the Tax Increment Financing (TIF) Districts in the City of Euclid for the fiscal year 2023.

WHEREAS, the Tax Incentive Review Council met on Wednesday, August 14, 2024 to review the reports compiled by the City's Enterprise Zone Manager on the Enterprise Zone (EZ) Agreements and Tax Increment Financing (TIF) Districts for the fiscal year 2023; and

WHEREAS, the Tax Incentive Review Council found that all Tax Increment Financing (TIF) Districts were in compliance; and

WHEREAS, the Tax Incentive Review Council recommended that each Tax Increment Financing (TIF) District be continued; and

WHEREAS, Ohio Revised Code Chapter 5709 requires that a local legislative body that receives recommendations from a tax incentive review council must vote to accept, reject, or modify all or any portion of the recommendations.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council accepts the recommendations of the City of Euclid Tax Incentive Review Council with regard to the Enterprise Zone (EZ) Agreements and Tax Increment Financing (TIF) Districts for the fiscal year 2023.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution, and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By: Mayor Holzheimer Gail

An ordinance authorizing the Mayor or her designee to enter into an agreement with the Euclid Development Corporation, 585 East 222nd Street, Euclid, OH 44123, to administer the distribution of grant funds not to exceed Seven Hundred Fifty-Five Thousand Dollars (\$755,000.00) for the Neighborhood Opportunity Grant Program through December 31, 2026.

WHEREAS, the City of Euclid previously funded the Neighborhood Opportunity Grant Program, a program designed to provide up to Seven Thousand Five Hundred Dollars (\$7,500.00) per household for assistance to exterior home repairs; and

WHEREAS, the City partnered with the Euclid Development Corporation (EDCOR) on the Neighborhood Opportunity Grant Program with EDCOR managing the distribution of funds to residents and ensuring contractor compliance with the various home projects; and

WHEREAS, the City desires to continue funding the Neighborhood Opportunity Grant Program in 2025 and 2026, offering residents the opportunity to improve their property and invest in the City's housing stock and using the experience of EDCOR to manage the distribution of funds.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor or her designee is hereby authorized to enter into an agreement with Euclid Development Corporation, 585 East 222nd Street, Euclid, OH 44123, to administer the Neighborhood Opportunity Grant Program through December 31, 2026.

Section 2: That all agreement(s) shall be in a form approved by the Director of Law.

Section 3: That funds to pay for this expenditure are not to exceed Seven Hundred Fifty-Five Thousand Dollars (\$755,000.00) to be derived from the City's ARPA funds.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were, in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Resolution No.

By - Mayor Holzheimer Gail

A resolution authorizing the Mayor of the City of Euclid or her designee to apply for, accept, and expend a FY2025 Transportation for Livable Communities Initiative (TLCI) program implementation grant for the proposed Euclid Avenue Trail Project.

WHEREAS, the City of Euclid is submitting an application to the Northeast Ohio Areawide Coordinating Agency (NOACA) for funding through the Transportation for Livable Communities Initiative (TLCI); and

WHEREAS, the TLCI Program provides federal funds for projects that integrate transportation and land use planning, increase transportation options, promote livability, and advance the goals of NOACA's Strategic Plan for northeast Ohio; and

WHEREAS, the TLCI program is paid on a reimbursement basis, requiring the applicant to first expend funds (if matched) and then request reimbursement from NOACA; and

WHEREAS, the City of Euclid agrees to abide by all federal requirements as a sub-recipient of federal transportation funds, including Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, and including all applicable federal procurement requirements; and

WHEREAS, the City of Euclid agrees to be responsible for managing any and all sub-contracting agencies, organizations, or consultants; and

WHEREAS, the City of Euclid agrees to complete the agreed upon scope of services or will forfeit current and future TLCI awards; and

WHEREAS, the City of Euclid is authorized to execute a contract with the Ohio Department of Transportation (ODOT) and NOACA if selected for the TLCI Program; and

WHEREAS, NOACA requires a resolution of support by Euclid City Council before the Plan can be presented to NOACA Transportation Advisory Committee (TAC); and

WHEREAS, the proposed project has been included in several studies, including but not limited to, the 2013 Destination Euclid TLCI Plan, the 2015 Cuyahoga County Planning Commission Eastside Greenways Plan, 2018 Euclid Master Plan, 2023 Euclid Avenue-Chardon Road TLCI Plan, and 2024 Citywide Pedestrian and Bicycle Safety Action Plan; and

WHEREAS, the proposed project feasibility study was authorized by Euclid City Council on December 4, 2023; and

WHEREAS, the proposed project has numerous community benefits, including but not limited to, enhancing health and well-being by promoting physical activity and outdoor recreation, improving transit-waiting environments and active transportation options in the City of Euclid, stimulating economic growth by attracting visitors and businesses to the Euclid Avenue corridor, and beautifying the Euclid Avenue corridor through landscaping and public art.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Euclid City Council authorizes the Mayor of the City of Euclid or her designee to submit this application to NOACA, acting as designated recipient of United States Department of Transportation funds, for the TLCI Program and to execute a contract with NOACA and any partner agencies if selected for funding in order to accept the grant and expend any funds awarded.

Section 2: That a 20% local match is required; however, this local match may be waived or partially waived for Environmental Justice Areas, Urban Core Communities, and Disadvantaged Communities, as designated in NOACA's Regional Transportation Investment Policy. Euclid is a Designated Disadvantaged Community. If the local match is only partially waived, Community Development Block Grant (CDBG) funds shall be used for the local match.

Section 3: That the Clerk of Council is hereby directed to transmit copies of this resolution to NOACA.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By - Planning and Zoning Commission

An ordinance repealing Sections 559.06, 1359.05(f)(2)A., and 1385.031, and repealing and replacing Chapter 1388 "Fences" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid related to fences.

WHEREAS, as a part of the Department of Planning and Development's ongoing effort to maintain Euclid's zoning code up to date with current zoning practices the Department has contracted with Northstar Planning and Design, LLC for zoning code revision services; and

WHEREAS, the Zoning Commissioner in partnership with Northstar Planning and Design, LLC reviewed the City of Euclid's Chapter 1388 regarding fences and related code sections and determined the current fence regulations are lacking in providing guidance, which resulted in inconsistent text, potentially conflicting provisions, and a lack of organization; and

WHEREAS, the Zoning Commissioner recommended to the City of Euclid Planning and Zoning Commission that the current fence regulations should be repealed and replaced, and clarified regarding variances, administrative solutions, and standards for maintenance; and

WHEREAS, at its August 13, 2024 meeting, the Planning and Zoning Commission of the City of Euclid made a positive recommendation to Euclid City Council that various sections of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid be repealed and replaced as they relate to fences.

WHEREAS, this ordinance seeks to repeal Section 559.06, Fences, of Chapter 559, Safety, of the General Offenses Code, 1359.05(f)(2)A. of Chapter 1359, U4, U5, and U6 Business and Industrial Districts, of the Planning and Zoning Code, and Section 1385.031, Shrubbery Height Restriction, of Chapter 1385, Front Yards; Building Lines, of the Planning and Zoning Code; and

WHEREAS, this ordinance also seeks to repeal and replace Chapter 1388 "Fences" of the Planning and Zoning Code.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Sections 559.06, 1359.05(f)(2)A, 1385.081, and Chapter 1388 "Fences" of the Codified Ordinances of the City of Euclid are hereby repealed:

559.06 FENCES.

~~(a) No person shall erect or maintain any fence charged with electrical current.~~

~~(b) No person shall erect or maintain a barbed wire fence which abuts or is adjacent to any public street or sidewalk. This division (b) does not prevent the placement and use of not more than two strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than forty-eight inches from the ground.~~

~~(c) Barbed wire partition fences may be erected and maintained as provided in Ohio R.C. 971.03.~~

~~(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.~~

1359.05 SUPPLEMENTAL REGULATIONS FOR ALL USES.

~~(f) Landscaping and Buffering Requirements.~~

~~(2) Buffer requirements for uses abutting Residential Districts.~~

~~A. The buffer area shall contain a solid fence or masonry wall three feet in height from the residential building line to the street and six feet in height from such residential building line to the rear of the residential district property line.~~

1385.031 SHRUBBERY HEIGHT RESTRICTION.

In a Class U1 or U2 District no hedge, plants, screening shrubs or foliage shall be maintained or permitted to grow to a height in excess of three feet between the building line and the street line if, in the opinion of the Zoning Commissioner, such vegetation constitutes a traffic hazard.

Section 2: That a new Chapter 1388 entitled "Fences" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid be hereby enacted to read as follows:

CHAPTER 1388 Fences

1388.01 Definitions

1388.02 Fences generally.

1388.03 Fences in residential districts.

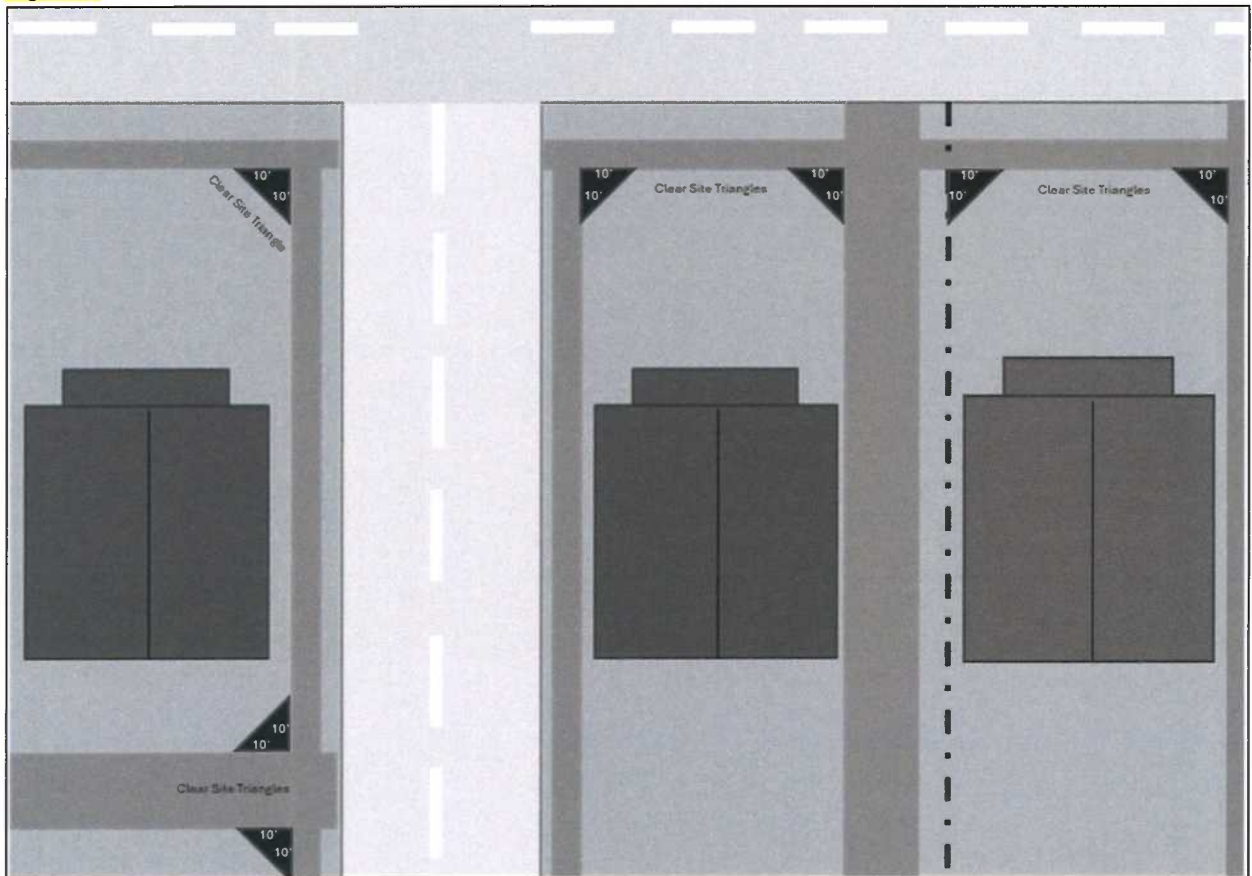
1388.04 Fences in commercial and industrial districts.

1388.01 DEFINITIONS.

As used in this chapter:

- (a) "Chain-link" or "cyclone" fence means any fence that is constructed of woven wire metal, with *open squares of approximately 1.5 inches.*
- (b) "Clear site triangle" means the triangular space created by a diagonal line connecting two points on intersecting lines. These points are located on a right-of-way, easement of access, or pavement edge of an access drive. It shall be calculated as a right triangle with sides (other than the hypotenuse) of at least ten (10) feet in length (See Figure 1).

Figure 1



- (c) "Decorative fence" means a semi-permanent or temporary fence erected primarily for aesthetic purposes, designed to enhance the appearance of the property, and does not obstruct visibility into or out of the property, garden, or landscaping. A decorative fence shall not include a fence constructed of chain link material or any other type of woven fence.
- (d) "Fence" means a structure typically constructed as a panel or panels mounted on posts serving as an enclosure, barrier, or boundary including but not limited to posts, boards, wire, vinyl, or gates. Examples include board-on-board or shadow box fences.
- (e) "Fence Height" means the height of the fence being measured at the Grade. If the ground is not level, then the grade shall be determined by computing the average elevation of the ground for each linear section of fence and taking the average of said total averages. Except as otherwise permitted, fence height shall be

measured from the natural grade of the site or the grade approved in a site plan and not from the surface of an artificial mound or other fill.

- (f) "Natural," "living," or "landscape" fence or hedge means screening intended only primarily for residentially zoned districts and comprised entirely of any living plant including shrubs, hedgerows, or similar items so arranged for the enclosure, screening, or restricting the passage of air, noise, or light of yard or part of a yard; however, they shall not impede the surrounding line of sight or corner clearance (clear sight triangle) and are limited to three (3) feet in height. No natural fence is permitted within three (3) feet of the front public right-of-way line. No natural fence shall be comprised of any invasive species as determined by the Zoning Commissioner or their designee.
- (g) "Ornamental" fence means a permanent fence constructed of wrought iron, tubular aluminum, or similar ornamental fence, and may include a lattice feature, which may not exceed one foot in height and shall not exceed 50% coverage of open viewing
- (h) "Picket" fence means any fence with vertical in-line boards no larger than the equally spaced gaps equal to the width of the boards.
- (i) "Privacy" or "solid" fence means a sight-obscuring fence without any gaps in materials, erected adjacent to or around a selected use or area (such as a patio, deck, courtyard, or swimming pool), designed to screen the area behind it from observation by persons outside its perimeter.
- (j) "Snow fence" means a temporary fence, constructed of lath and wire, or constructed of polyethylene or similar material and designed, used, constructed, or maintained for the primary purpose of reducing snow drifts in drives or walkways.
- (k) "Split Rail" means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts.

1388.02 FENCES GENERALLY.

(a) Permit Required. Except as otherwise provided in this Chapter 1388, fences shall only be installed after the issuance of a permit approved by the Zoning Commissioner or their designee. Such permit shall become void if such fence is not erected, constructed, or altered, within one hundred twenty (120) days from the date said permit is issued. False statements or information, omissions, or work completed not according to the approved plan shall result in the permit application being deemed null and void, and may result in prosecution for submitting false documents to obtain a permit per [Section 501.10](#) and other applicable laws.

(b) For any fence, other than a natural fence, installed on a property line, a signed and notarized agreement from all abutting property owner(s) impacted by the installation regarding the location of the fence shall be provided. Such agreement must be submitted with the application upon a form provided by the Zoning Commissioner or their designee. In lieu of a signed agreement, a survey identifying the location of the property line shall be provided. The survey shall be performed and stamped by a registered professional surveyor or engineer. The date of the stamped boundary survey shall be within the last ten years of the permit application date. A mortgage survey may not be used.

(c) Survey. The Zoning Commissioner may require the owner of the property upon which a fence is to be constructed to establish property lines upon said property through the placing of permanent stakes by a licensed surveyor. Such property lines shall be established before such fence is erected. A survey may also be required in the event an abutting property owner disputes the permit applicant's determination of a stated property line. The survey shall be performed and stamped by a registered professional surveyor or engineer. The date of the stamped boundary survey shall be within the last ten years of the permit application date. A mortgage survey may not be used.

(d) Minor Adjustment. The Zoning Commissioner, or their designee, may approve minor modifications to any of the fence standards contained in this section to accommodate for the location of above-ground or underground utilities, other existing or planned features of a development, or any other constraints or limitations towards compliance with the provisions established by this section; provided that the modifications achieve protections which are functionally equivalent to those intended by this section. Said modification shall be documented by the Commissioner, include the signature of a concurring city official, and be identified on the permit. The Zoning Commissioner shall have the same discretion and authority to modify the fence standards herein for administrative permit applications.

(e) Exterior Finish. Any side or part of the fence having poles or support material exposed shall face the interior of the property upon which the fence is installed and constructed.

(f) Maintenance and Durability Required.

(1) A fence permitted pursuant to this chapter shall be maintained in good condition. It shall be structurally sound and finished on both sides to present a rust-free uniform, appearance.

(2) Fences shall be maintained so that all parts are plumb and structurally sound.

(3) All fences shall be constructed of materials designed for durability. All elements, colors, and finishes shall be maintained after installation. This requirement for materials and durability does not apply to permitted temporary fences.

(4) The ground between any fence and a property line shall be well maintained, and free of weeds and debris at all times.

(5) These maintenance requirements shall apply to both new and existing fences.

(6) Fence posts shall be installed to a depth of at least 38 inches or as required by the Building Code, whichever depth is greater.

(g) Snow fences. No snow fence shall be erected, constructed, maintained, or used in the City except upon the following conditions:

(1) Snow fences may be used only in the months of October, November, December, January, February, and March.

(2) No snow fence shall be used so as to cause an artificial or unnatural accumulation of snow or drifting to accumulate on the property of another, in excess of that which would otherwise accumulate in the absence of such a fence. A snow fence shall not be installed closer than three (3) feet to a driveway or walkway located on an abutting property. The construction, use, maintenance, or operation of all snow fences in the City, in such a manner so as to cause unnatural accumulations of snow to be created upon the abutting property owners is hereby declared to be a nuisance, is hereby prohibited and declared unlawful.

(3) All snow fences shall be maintained in good condition so as not to become unsightly, unsafe, a nuisance, or detrimental to the surrounding area.

(h) Fences over six (6) feet from grade shall be reviewed as required by the applicable section of the Ohio Building Code

(i) Prohibited fences.

(1) No person shall erect or maintain any fence charged with an electrical current.

(2) Except as otherwise provided in this Chapter, barbed wire, razor wire, and similar materials shall not be permitted with any fence.

(3) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section [599.02](#).

(j) Construction Site Fences.

(1) The Commissioner of Building or Zoning Commissioner may authorize a temporary fence in any zoning district: to enclose a site, when construction is underway, to protect construction work or materials, to prevent unauthorized entry to the site, or, to ensure unauthorized access to site hazards.

(2) The fence shall not prevent access to the site by emergency vehicles, and shall not obstruct visibility at street intersections.

(3) The fence shall not exceed eight (8) feet in height.

(4) The fence shall not encroach on or block any sidewalk, trail, road, or any public right-of-way.

(5) All construction fences included in this section shall require an accessory structure permit application and shall have their permit fee waived.

(6) The fence shall be removed when construction activity has been completed or discontinued for ninety days or more or as otherwise required by the Zoning Commissioner or their designee.

(k) Fences surrounding pools shall conform with the requirements of Section [1741.13](#) and with the requirements of this Chapter.

1388.03 FENCES IN RESIDENTIAL DISTRICTS.

(a) Front Yard. A fence may be constructed in the front yard as follows:

(1) Decorative, natural, and split rail only. No chain link, vinyl, or other similar and permanent materials are permitted.

(2) Maximum height:

A. Decorative fences are limited to a height of three (3) feet from grade.

B. Natural fences shall be maintained and not permitted to grow to a height in excess of three (3) feet between the building line and the street line if, in the opinion of the Zoning Commissioner, such vegetation constitutes a pedestrian or traffic hazard, or otherwise declared a nuisance.

C. A horizontal split rail fence of no more than two rails which does not exceed a height of three (3) feet, is of wood material and finish, and is installed not closer than fifteen (15) inches to any sidewalk or driveway and/or property line, and does not enclose the front yard, may be constructed or maintained for landscaping purposes

(3) Location:

A. A decorative fence shall only be installed in that part of the front yard that abuts the dwelling and at a distance from the dwelling not greater than one-half of the front yard setback.

B. A natural fence shall only be installed in that part of the front yard not less than three (3) feet from the public right-of-way.

C. On a corner lot, a natural fence may be installed in the rear yard abutting the right-of-way between the rear line of the dwelling and the rear line of the lot and shall not be closer than ten (10) feet from any intersecting driveway.

(4) No gates shall be permitted in the front yard.

(5) Front yard fences included in this section shall have their permit fee waived.

(6) Conformity with Regulations. Natural fences lawfully in existence on the effective date of this section, that do not conform with the provisions of this chapter shall be removed, altered, or replaced so as to conform with the provisions of this chapter no later than five (5) years from the effective date.

(b) Side Yard.

(1) No fence shall exceed four (4) feet above the grade within a side yard area.

(2) Fences parallel with building walls shall be set back at least four (4) feet from the exterior wall of any dwelling.

(3) Where closer than four (4) feet to a neighboring dwelling, no fence shall be permitted. Fences and/or gates perpendicular to building walls completing the enclosure of a property are exempt from this requirement.

(4) Fences and/or gates parallel with building walls may be permitted on lots whose distance between any dwelling and the property line is fifteen (15) feet or more and are not subject to the four (4) foot height provisions of subsection (b)(1) above.

(c) Rear Yard. No fence shall exceed six (6) feet above grade in a rear yard area. Fences parallel with building walls in rear yards shall be set back at least four (4) feet from any exterior dwelling wall.

(d) Rear Yard Corner Lots. On a corner lot, a solid privacy fence may be installed in the rear yard abutting a right-of-way as follows:

(1) The fence shall only be located in the area between the rear line of the dwelling and the rear line of the lot unless administratively approved by the Zoning Commissioner or their designee under provisions of section 1388.02(d).

(2) The fence shall not exceed six (6) feet above the grade and may abut the right-of-way line.

(3) Where the fence is installed closer than ten (10) feet to the right-of-way and intersects a driveway, a clear sight triangle area abutting the driveway shall be provided.

(4) A chain link, or, other less visually obstructive ornamental metal fence, not exceeding four (4) feet in height, may be installed in the rear yard of a corner lot property, as stated above, but not subject to the sight triangle provisions of subsection (d)(3) above.

(e) Vacant Residential Lots. On a vacant lot, in common ownership with an abutting lot, where a dwelling is located; no fence shall exceed four (4) feet in height above the grade, in the area of the vacant lot located between the front and rear building lines of that abutting dwelling. For purposes of this section, abutting lots in the same ownership shall be treated as consolidated lots.

1388.04 FENCES IN OTHER USE DISTRICTS.

(a) In a U3-Apartment House, U3EL-Senior Citizen Use, U4-Local Retail or Wholesale Store, U5-Commercial, U8-Office Building, or a CI-Campus Institutional Districts, fences shall be installed as follows:

(1) For properties subject to the provisions of Subsection [1359.06\(f\)\(2\)](#), the buffer area shall contain an ornamental fence three (3) feet in height from the residential building line to the street and six (6) feet in height from such residential building line to the rear of the residential district property line.

(2) An ornamental fence no taller than three (3) feet from grade, shall be installed in the front yard or, on corner lots, between the front line of the structure and the right-of-way line.

(3) All fences subject to the provisions of this section, other than side yard and rear yard fences, unless otherwise determined by the Zoning Commissioner or their designee, are subject to review and approval by the Architectural Review Board. The design of the fences should benefit good community appearance and alleviate the occurrence of any potential adverse conditions. The design should include the same or compatible material as the structure located on the property.

(4) No side or rear yard fence shall exceed six (6) feet above grade.

(5) Fences installed as part of an outdoor dining area subject to the provisions of Section [1359.06\(k\)](#) shall conform with the requirements of this chapter and are subject to review and approval by the Architectural Review Board.

(b) In a Class U6- Industrial and Manufacturing or a Class U7-Light Industrial Park Districts, fences shall be installed as follows:

(1) An ornamental fence no taller than three (3) feet from grade may be installed in the front yard located between the main building and a public right-of-way provided that the fence shall be set back at least ten (10) feet from the right-of-way.

(2) Barbed wire may be installed on a fence provided that the barbed wire is mounted at a height not less than six (6) feet and not greater than eight (8) feet above grade and is not angled outward away from the property of the fence owner.

(3) No fence shall exceed eight (8) feet above the grade.

Section 3: That Sections 559.06, 1359.05(f)(2)A, 1385.081 are hereby repealed in its entirety, and Chapter 1388, Fences, of the Codified Ordinances of the City of Euclid is hereby repealed and replaced.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Councilperson Wojtila (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for Emergency Repairs to Streets, Sewers and Sludge Lines for the years 2025 and 2026, with an option for a third year extension for 2027.

WHEREAS, the contractor would be on call in case of a situation where a repair cannot be completed by City staff; and

WHEREAS, emergency repairs may be necessary if the City has to dig to a specific depth requiring special equipment or a complex repair that is time sensitive; and

WHEREAS, this type of contract has been done in the past and has proven to be beneficial to the City and its residents and is a less expensive alternative to buying the equipment needed to perform deep trench repairs.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Public Service be, and he is hereby authorized, empowered and directed to advertise for bids and enter into a contract for Emergency Repairs to Streets, Sewers and Sludge Lines for the years 2025 and 2026, with an option for a third year extension for 2027 to be in accordance with specifications on file in the office of the Director of Public Service. Said contract shall be entered into after advertising for not less than two consecutive weeks in a newspaper of general circulation in the City of Euclid and awarded by the Board of Control to the lowest and best bidder. The specifications on file in the office of the Director of Public Service are hereby approved. The contract shall be in form approved by the Director of Law and shall be in conformance with such specifications. It shall be executed by the Director of Public Service. The Board of Control is hereby authorized to waive any minor or technical irregularities that may occur during the bid process.

Section 2: Funds to pay for this expenditure are to be derived from the Water Reclamation Fund.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By- Councilperson Wojtila (by request)

An ordinance amending Ordinance No. 133-2023, that established sewer rental and other related charges and authorized sewer service agreements, to reflect new sewer usage rates.

WHEREAS, Ordinance 112-2000 established sewer rental rates and other related charges from and after April 1, 2000 and authorized sewer service agreements; and

WHEREAS, supplemental rates were established by Ordinances 32-2012 and then 157-2012 to supply funds to begin engineering and design for the construction of improvements and operation of the Wastewater Treatment facility and collection system as required by the Long-Term Control Plan and other plans contained in the consent decree with the United States and State of Ohio; and

WHEREAS, Ordinance No. 109-2022 established sewer usage rates for 2023 for Euclid and outside users of the sewer system after review of the annual Rate Study Report from B. Fink Consulting; and

WHEREAS, Ordinance No. 133-2023 established sewer rates for 2024 for Euclid and outside users of the sewer system also after a review of an annual Rate Study Report from B. Fink Consulting; and

WHEREAS, B. Fink Consulting engaged in another rate study which was reviewed by Euclid City Council in committee on September 24, 2024 and it was determined that sewer charges need to adjusted above the 2024 rates set forth in 133-2023; and

WHEREAS, to address issues related to the Long-Term Control Plan, increasing operational costs, and to assist with planning for residents and communities, sewer rates will increase for years 2025, 2026 and 2027 as set forth in **TABLE A**; and

WHEREAS, the rate changes will become effective with consumption on and after January 1, 2025.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 1 "Euclid Users, Household Waste Sewer Service Charges" of Ordinance No. 133-2023, which established sewer rental and other related charges from and after January 1, 2024 and authorized sewer service agreements, is hereby amended and replaced to read as follows:

That there are hereby established rates and charges of rental from and after January 1, 2025, to be paid to the City of Euclid for the use of the system of sewerage or sewage treatment or disposal works by every person, firm or corporation whose premises in the City of Euclid are served by a connection with the system of sewerage of the City of Euclid, which charge of rent shall be in addition to the revenue received from general taxes for sewer maintenance.

Every person, firm, or corporation having premises in the City of Euclid served by a connection with the present system of sewerage in the City of Euclid, whereby the sewage or industrial wastes are disposed of by the City of Euclid, either through the facilities of the sewage treatment and sewage disposal works of the City of Euclid, or as otherwise arranged by the City of Euclid, hereinafter referred to as "Euclid Customers" shall pay a sewer rental charge for the collection and treatment of ordinary household waste ("OW"), based upon the quantity of meter water used in or upon such premises for each 1,000 cubic feet of water or less measured through any one water meter as set forth in **TABLE A**, whether such water is derived from a source other than the City water supply or all or any part of such water is furnished to said premises without charge. Billings shall be at least quarterly and shall include an additional administrative charge for the cost of meter reading and billing.

The sewer rental charge established herein from and after January 1, 2025, shall be payable quarterly with the regular water bill received by such person, firm, or corporation at the office of the Division of Water, in the Department of Public Utilities of the City of Cleveland and shall be **not less than one (1) thousand cubic feet per quarter**, plus the pro rata administration cost for paying meter reading and billing charges as determined by the Mayor, and shall be payable at the same time as water bills are payable in the district in which the property is located and the sewer rental charge may be shown as a separate item on the same paper which shows the water bill as the City of Cleveland Director of Public Utilities may elect; and out of the proceeds collected the City of Cleveland shall be authorized to withhold an amount as justified to the City of Euclid for collection expenses. In addition to the rates contained herein, and by separate legislation adopted by the Council of the City of Euclid, the rate billed shall include incremental amounts for the repair and replacement of the local sewer collection system within the City of Euclid, known as the Peterson Fund, and for incremental amounts necessary for street

resurfacing and repair of streets and appurtenances in connection with waterline replacement and repair within the City of Euclid, known as the Waterline Fund.

Section 2: That "Outside Users, Ordinary Household Waste Sewer Service Charges and Contracts" of Ordinance No. 133-2023, which established sewer rental and other related charges from and after January 1, 2024 and authorized sewer service agreements, is hereby amended and replaced to read as follows:

(a) That the Mayor is hereby authorized to contract for or otherwise charge and collect the following rates hereby established as sewer rental charges from and after January 1, 2025, to be paid to the City of Euclid for the use of the system of sewerage or sewage treatment or disposal works by every person, firm, or corporation whose premises lies outside the limits of the City of Euclid which are served by a connection with the system of sewerage in the City of Euclid, hereinafter referred to as "Outside Users," which charge shall be as set forth in **TABLE A** for the identified Outside User Communities.

(b) In addition, the Mayor is hereby authorized and directed to contract for or otherwise charge and collect from said Outside Users for disposal of sewage, all administration charges as determined by the Mayor, specifically attributable for meter reading, billing, maintenance, and transportation to any particular outside user or the maintenance of the account therefore. All monies received pursuant to this section shall be deposited, applied, and utilized the same as specified in Section 1 of this ordinance.

(c) Provided further, however, that from and after January 1, 2025, the terms of contracts heretofore specifically authorized by Council shall be given full force and effect except to the extent that the rates charged therein were inadequate and modified by ordinance to meet the rise of costs for necessary operation, maintenance, replacement, capital improvements, and operating capital respecting the sewage treatment or disposal works. The Mayor is hereby empowered to establish charges reflecting credits for lump sum account payments made pursuant to rate dispute settlements, if any, under such contracts and charges equivalent to incremental charges stated on a basis of water consumption in terms of sewage metered on the basis of 1000 gallon units or otherwise in accordance with past billing procedures or where otherwise determined necessary.

(d) Such contracts with Outside Users shall limit the quality and quantity of the sewage flow to be accepted to that of ordinary household waste in such daily volumes as shall not exceed in the aggregate, including sewage flow from Euclid users, the capacity of the waste water treatment facilities or the capacity of sewer lines within the City of Euclid as determined by the Director. The Director shall give deference and preference to the communities having long standing and continuing arrangements and contracts with the City of Euclid and the volumes historically received therefrom.

(e) No industrial waste shall be accepted from any outside community except pursuant to individual industrial user permits to be applied for by the actual industrial user and issued directly by the City of Euclid pursuant to Chapter 923 of the Codified Ordinances.

(f) SATELLITE SEWER DISCHARGE CONTROL PROGRAM ("SSDCP"). The Mayor is hereby authorized to contract and amend contracts with Outside User Communities as necessary to implement the SSDCP mandated by the City's National Pollutant Discharge Elimination System Permit issued effective April 1, 1996, requiring monitoring, reporting, and operation under the supervision of a State Certified Operator's License for each Outside User Community collection system and authority to require that the maintenance crews of each outside user community will either include supervision by a properly licensed staff person to implement the community discharge permit regulations or will submit to supervision for these purposes to properly licensed staff personnel of the City of Euclid and pay the cost therefore as determined by the Mayor.

Section 3: That Ordinance No. 133-2023, that established sewer rental and other related charges and authorized sewer service agreements, to reflect new sewer usage rates is hereby amended.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective

Mayor

Ordinance No.

By – Mayor Holzheimer Gail

An emergency ordinance authorizing the Mayor of the City of Euclid or her designee to enter into contract with The Sutphen Corporation, 6450 Eiterman Road, Columbus, Ohio 43016, for the purchase of a top mount pumper fire engine in an amount not to exceed Nine Hundred Thirty-Nine Thousand Seven Hundred Dollars (\$939,700.00).

WHEREAS, to provide adequate emergency fire services to the community, and with consideration of supply chain delays related to the manufacturing and delivery of safety equipment, the Euclid Fire Department must replace one frontline fire apparatus; and

WHEREAS, The Sutphen Corporation has a top mount pumper fire engine that is in the process of being manufactured and will be ready to be delivered to the Euclid Fire Department in February of 2025; and

WHEREAS, The Sutphen Corporation has been awarded a cooperative purchasing contract for firefighting apparatus through Sourcewell (Contact Number 113021-SUT).

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid or her designee is authorized to enter into contract with The Sutphen Corporation, 6450 Eiterman Road, Columbus, Ohio 43016, for the purchase of a top mount pumper fire engine in an amount not to exceed Nine Hundred Thirty-Nine Thousand Seven Hundred Dollars (\$939,700.00).

Section 2: That all agreement(s) shall be in a form approved by the Director of Law.

Section 3: Funds to pay for this expenditure are to be derived from the Capital Improvement Fund and the General Fund.

Section 4: That this purchase is made at pricing available through Sourcewell's cooperative purchasing program and competitive bidding is therefore waived.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise, to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Resolution No.

By – Councilperson Gresham

A resolution declaring the month of October as Breast Cancer Awareness Month in the City of Euclid, Ohio.

WHEREAS, breast cancer is one of the most common cancers affecting women in the United States, with approximately 1 in 8 women expected to receive a breast cancer diagnosis in their lifetime, and men also being susceptible, though at a much lower rate, with 1 in 1,000 men diagnosed annually; and

WHEREAS, early detection through mammograms and other screening methods significantly increases survival rates, but many individuals face barriers to accessing these critical healthcare services, particularly those in underserved communities; and

WHEREAS, October is nationally recognized as Breast Cancer Awareness Month, providing an important opportunity to educate the public on the importance of early detection, support research for a cure, and honor those affected by the disease; and

WHEREAS, advocacy groups, healthcare professionals, and local organizations in Euclid Ohio play an essential role in promoting breast cancer education, raising awareness, providing support services, and funding research efforts to combat this illness; and

WHEREAS, the City of Euclid Ohio acknowledges the significance of supporting individuals impacted by breast cancer, celebrating survivors, and remembering those who have lost their battle to this disease, while also honoring current survivors, providing encouragement to those undergoing treatment, and emphasizing the importance of community solidarity in the face of this illness; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: The City of Euclid recognizes the month of October as Breast Cancer Awareness Month in the City of Euclid, Ohio.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Resolution No.

By – Councilperson Gresham

A resolution recognizing the month of October as National Domestic Violence Awareness Month for the City of Euclid, Ohio.

WHEREAS, The City of Euclid Ohio recognizes the yearly observance of National Domestic Violence Awareness Month to focus on increasing the public’s awareness of the issue of domestic violence, recognizing the trauma experienced by victims of domestic violence and the services available to support them, and acknowledge the combined efforts of citizens, service providers, governmental agencies and the criminal justice system to improve domestic violence prevention efforts and hold the perpetrators of such abuse fully accountable; and

WHEREAS, The crime of domestic violence is deeply personal, violates an individual’s health and dignity, and profoundly disturbs his or her sense of security; and

WHEREAS, The problems of domestic violence are not confined to any group of people, but cut across all racial, cultural, sexual orientation, and socioeconomic lines; and

WHEREAS, An average of 24 people per minute are victims of rape, physical violence or stalking by an intimate partner in the United States; and

WHEREAS, Communities across the United States recognize October as Domestic Violence Awareness Month to mourn those who died as a result of domestic violence, and to celebrate those who have survived domestic violence, and to connect and illuminate the light on those who work to end domestic violence.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: The City of Euclid recognizes the month of October as National Domestic Violence Awareness Month in the City of Euclid, Ohio.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor