

**MINUTES
PLANNING COMMISSION
CITY OF LAKEWOOD
12650 DETROIT AVENUE
AUDITORIUM
OCTOBER 5, 2023
6:30 P.M.
RECORDED
<https://www.lakewoodoh.gov/videos-2/>**

The meeting was called to order at 6:30 p.m.

1. ROLL CALL

Members Present

Kyle Krewson, Chair
Nicholas LaPointe
Sean McDermott, Vice Chair
William Sanderson

Staff Present

Shawn Leininger, P&D Director
David Baas, Assistant Director, P&D
Andrew Fleck, Assistant Prosecutor, Law Department
Mark Papke, City Engineer

A motion was made by Mr. Krewson, seconded by Mr. McDermott to **EXCUSE the absence of Kyle Reisz**. All of the members voted yea; the motion passed.

2. APPROVE THE MINUTES OF THE SEPTEMBER 7, 2023 MEETING

A motion was made by Mr. Krewson, seconded by Mr. McDermott to **APPROVE** the September 7, 2023 meeting minutes. All the members voted yea; the motion passed.

3. OPENING REMARKS

Staff read the Opening Remarks into record.

NEW BUSINESS

LOT SPLIT/CONSOLIDATION

- 1. Docket No. 10-21-23
14824-6/14806-22 Detroit Ave.
CoHatch**

Jason Galdun, Jeffrey A. Grusenmeyer & Associates, Inc., applicant requests approval for the lot split and consolidation of PPN 312-17-029, PPN 312-17-030, PPN 312-17-031, PPN 312-17-032, PPN 312-17-033, and PPN 312-170-34. Pursuant to Section 1155.07 – procedures for lot splits and Section 1155.06 – procedures for lot consolidations and resubdivisions. Property is in a C2 – Commercial, Retail district. (Page 3)

Jeff Grusenmeyer, Jeffrey A. Grusenmeyer & Associates, Inc. was present to explain the request. Comments received from the City Engineer were being applied to the project. Administrative staff presented its review and comments. Three variances were approved by the Board of Zoning Appeals ("BZA") at its September 21, 2023 meeting. Staff recommended approval with conditions. It was confirmed

that if any of the buildings were razed, a new rebuild would be code compliant. Public comment was closed as no one addressed the item. The members said it was a complicated project, asked about the aerial/building connections and related easements, access to parking, fire separations. Staff said that the Division of Housing and Building ("H&B") was working closely with the applicant.

A motion was made by Mr. Krewson, seconded by Mr. Sanderson to **APPROVE the request with the following conditions:**

- **The comments provided by the City Engineer via CT consultants dated October 4, 2023, must be addressed to the satisfaction of the City Engineer.**
- **Revised documents are submitted for signature and recording.**

Discussion ensued about the lack of designated pedestrian access from parking to the rear, north side of Parcel C. Mr. Fleck said it was a moot point since all concerned parties were not present at the meeting.

All the members voted yea; the motion passed.

Docket No. 10-22-23 and Docket 10-23-23 were taken together as it was the same address and project.

CONDITIONAL USE

- 2. Docket No. 10-22-23
13741 Madison Ave.
Back Alley Social Club**

David Maddux, The Arcus Group Inc., applicant requests the review and approval for seasonal outdoor dining on the rear property, pursuant to section 1129.13 – supplemental regulations for outdoor seasonal dining facility. Property is in a C3 – Commercial, General Business District. (Page 18)

PARKING PLAN

- 3. Docket No. 10-23-23
13741 Madison Ave.
Back Alley Social Club**

David Maddux, The Arcus Group Inc., applicant requests the review and approval for a parking plan, pursuant to section 1143.09 – parking plan review: Planning Commission and section 1143.10 – exceptions to required minimum. Property is in a C3 – Commercial, General Business District. (Page 32)

David Maddux, The Arcus Group Inc., applicant was present to explain the requests. Staff provided an analysis of the proposals. Easements for trash removal and agreements with adjoining property owners were required, health issues and parking standards needed to be met. Staff recommended that the members defer the requests. Public comment was closed as no one addressed the items. Discussion ensued about delineation and marking of the parking lot, access from the Addicted Coffee to the Back Alley Social Club, employee parking, effect of patio sounds on the second floor residents, no end date on the parking agreement (Mr. Fleck said the projects were subject to annual review/renewal), removal of the curb cut, hours of operation.

A motion was made by Mr. Krewson, seconded by Mr. Sanderson to **DEFER** Docket No. 10-22-23 and Docket No. 10-23-23, to allow time for the applicant consider the seven administrative items including the exploration for removal of the curb cut for additional parking, obtaining a letter of support from adjacent commercial property owner, and hours of operation for outdoor dining as related to sound. All the members voted yea; the motion passed.

OLD BUSINESS

ORDINANCE AMENDMENT

**4. Docket No. 05-11-23
Amendments to Chapters 1121, 1123, and 1133 of the Zoning Ordinance to Support Additional Dwelling Units and Principal Building Lot Coverage**

On March 20, 2023, City Council referred Ordinance No. 07-2023 and the associated communication to the Housing, Planning, and Development Committee and the Planning Commission for deliberation and recommendation. (Page 46)

Shawn Leininger was present to explain the amendments. Review and discussion of each section commenced among the members, Mr. Leininger, and Mr. Fleck. The Architectural Board of Review ("ABR") members would have to approve the amendments. Public comment was taken. Edits were made.

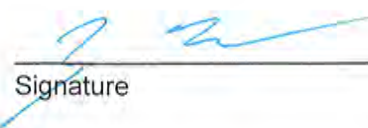
A motion was made by Mr. Krewson, seconded by Mr. LaPointe to **RECOMMEND APPROVAL TO CITY COUNCIL** Docket No. 05-11-23 with the following conditions:

- 1121.09(a) – remove "attached accessory dwelling units" and revise the rental term from 30 days to 180 days {1161.03(bb)}.
- 1161.03(3) – add verbiage that any ADU must be reviewed by ABR.
- 1161.03(9) – add verbiage that any ADU must be reviewed by ABR for the design to comply with the architectural design guidelines.
- 1161.03(11) - add the word "Code" to read "Ohio Fire Code".
- 1161.03(14) – revise the deed section that it has to be recorded on the lot with Cuyahoga County.
- Revise lot coverage numbers to ensure the hard numbers cannot be exceed specifically revise 1121.03 to reference back not to exceed provisions in 1123.09(d), 1123.03(a), 1123.03(d), and 1123.03(f).


All the members voted yea; the motion passed.

ADJOURN

A motion was made by Mr. Krewson, seconded by Mr. McDermott to **ADJOURN** the meeting at 8:27 p.m. All the members voted yea; the motion passed.



Signature



Date



Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

- 1. JEFF GROSEWOLDER
- 2. DAVID MADDAH-GROUP
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____

[Handwritten signature]

[Handwritten signature]

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ABR/BBS Citizens Advisory Civil Svc. Dangerous Dog Income Tax Appeals Loan Approval Nuisance Abatement Appeals Parking Planning Zoning Appeals Other:

Date of Proceeding: Thursday, October 5, 2023



Planning Commission

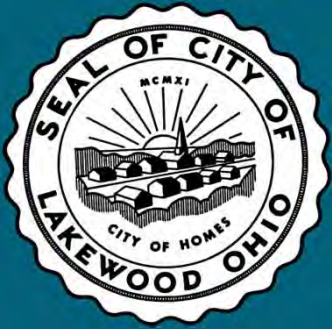
October 5, 2023



Agenda

1. Roll Call
2. Adoption of Minutes – September 7, 2023
3. Opening Remarks
4. Lot Split / Consolidation – Multiple Addresses Detroit Avenue: CoHatch
5. Conditional Use Permit – 13741 Madison Avenue: Back Alley Social Club
6. Parking Plan Review – 13741 Madison Avenue: Back Alley Social Club
7. Zoning Amendment: ORD 07-2023 – Additional Dwellings & Lot Coverage
8. Adjourn





Docket No. 10-17-23

Multiple Addresses Detroit Avenue

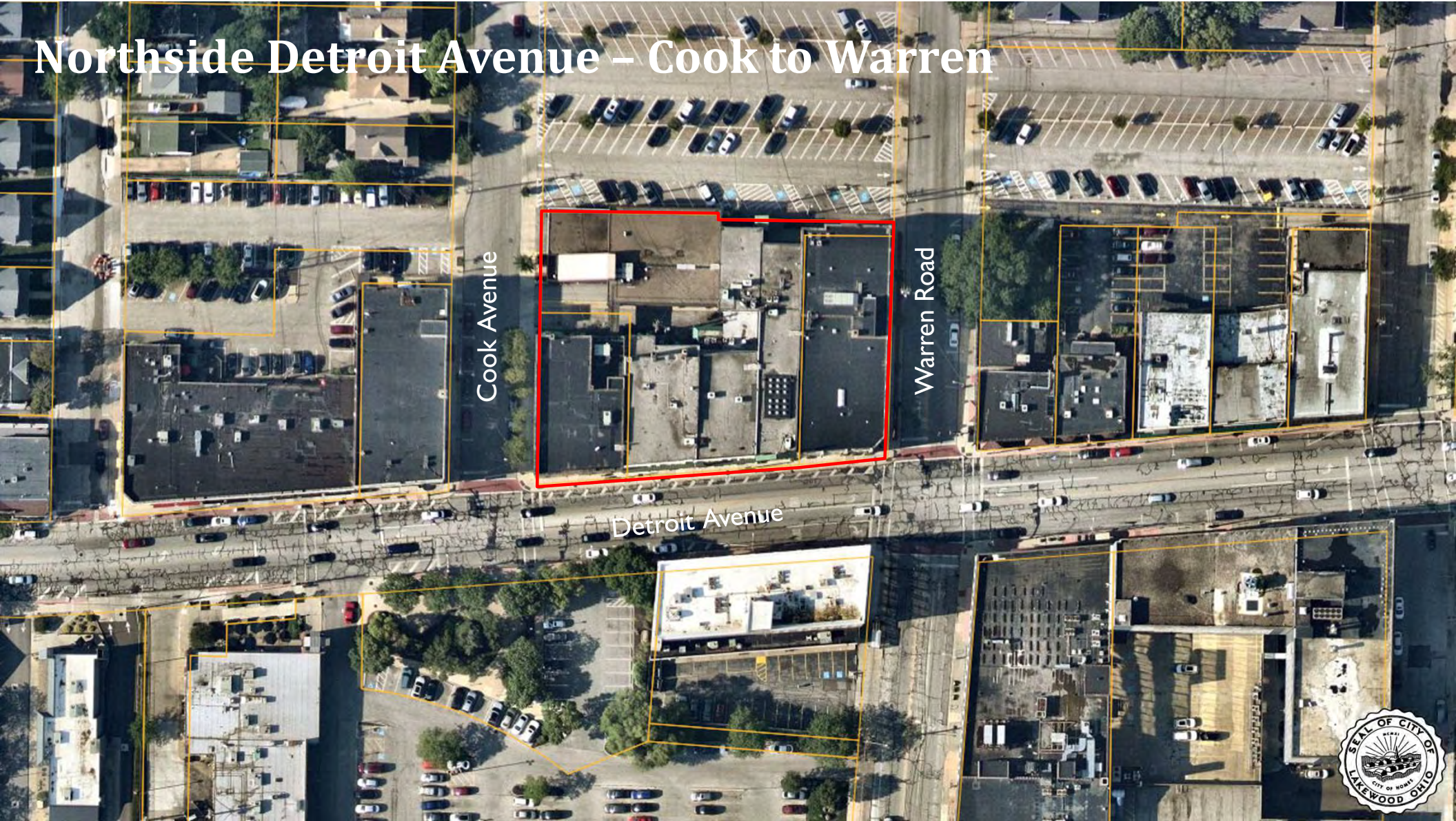
**LOT SPLIT & CONSOLIDATION
COHATCH / FIRST FEDERAL OF LAKEWOOD**

Request

The review and approval of a Lot Split and Consolidation of PPN 312-17-029, PPN 312-17-030, PPN 312-17-031, PPN 312-17-032, PPN 312-17-033, and PPN 312-170-34 pursuant to Section 1155.07 – procedures for lot splits and Section 1155.06 – procedures for lot consolidations and resubdivisions. Property is in a C2, Commercial – Retail District.



Northside Detroit Avenue - Cook to Warren



Cook Avenue

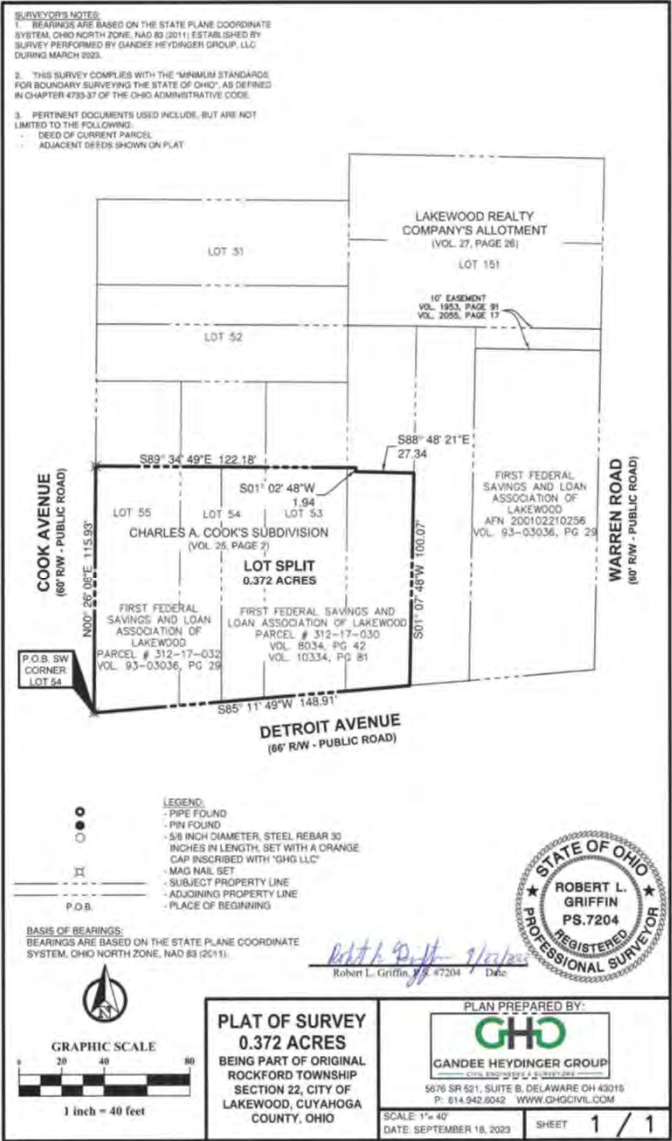
Warren Road

Detroit Avenue





Proposed Plat



City Engineer Comments



LEGAL DESCRIPTION and PLAT REVIEW COMMENTS

To: Mark Papke, PE

Regarding: 14826 – 14806 Detroit Ave. Lakewood Lot Split

From: Thomas M. Meeks, P.S. Date: 10/4/23

We have found nothing that would preclude approval and the documents can be accepted as submitted.

We require changes be made on the submittal documents for the items listed below.

The submitted documents have been revised addressing previous review comments.

- Legal Description Comments:
 - Need a Principal Point of Beginning that begins at a published/recorded monument with description. You can not use a set point to begin your commencement.
 - The third call is incorrect it should be South 01 Degree 02 Minutes 48 Seconds
 - Need to state in a separate paragraph the intent of the split
 - Need to state what type pins are being set and cap.
 - Need to call out what monumentation is to be set either an Iron pin with cap or another acceptable monument per the ORC. A "point" is not an acceptable corner.
 - Specify the acreage for each parcel that is going to be affected by the split and the residual acreage.
- Plat of Consolidation
 - Non-Compliant, you cannot use an ALTA survey to consolidate these parcels of land. The consolidation plat either needs to be on a separate plat of survey showing the required information per the ORC and monumentation. Or you can show the consolidation plat on the Lot Split Plat of 0.372 Acres
- Plat of Survey for the 0.372 Acres Lot Split
 - Need to show adjoiners on the plat and label the Permanent Parcel Number, Instrument Number, and Acreage

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- Show the original Lot Lines of the Charles A Cook's Subdivision and Lakewood Realty Company's allotment.
- Need to indicate what monuments were found and used.
- Need to call out what monuments are going to be set at least along the right of way.
- Area of Tabulation of what is going to the consolidated, split, total acreage.
- Need to show monumentation used to establish Detroit Ave., Warren Rd., and Cook Avenue and the Right of Way.
- Need to include a Principal Point of Beginning that tie to a published/recorded monument.
- Need to show tie lines to monumentation being set
- Need to state record or measured or calculated distances.
- Note what the intent is for the split and consolidation.
- State whether the buildings are online, encroaching or clear of the property line.

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1155.07 PROCEDURES FOR LOT SPLITS.

- (c) Approval. The Commission shall review all required maps and the report of the Engineer for compliance with the applicable sections of this Chapter and the Code. The Chairman and Secretary of the Commission shall make an approval notation on the preliminary plan and the plat.
- (1) If any proposed lot or parcel does not fully conform with the provisions of the Code, the Commission shall refer the application to the Board with the request that the Board determine whether the applicant should be entitled to a variance from strict compliance with the provisions of the Code which the proposed lot split violates. Upon review and the decision of the Board, the proposed lot split shall be returned to the Commission for its final review and approval, disapproval or modification.
 - (2) The Commission may disapprove the plan where it finds that the proposed use is not consistent with the Vision; findings supporting such disapproval shall be stated on the record and forwarded to the applicant within fourteen (14) calendar days.
 - (3) Upon approval by the Commission, the applicant has 180 days to provide a final plat to the Engineer. Failure to provide the aforementioned plat will cause the decision of the Commission to be null and void. The Commission for good cause may extend the aforesaid 180 day period.



1155.06 PROCEDURES FOR LOT CONSOLIDATIONS AND RESUBDIVISIONS.

- (c) Approval. The Commission shall review all required maps and the report of the Engineer for compliance with the applicable sections of this Chapter and the Code. The Chairman and Secretary of the Commission shall make an approval notation on the preliminary plan and the plat.
- (1) If any proposed lot or parcel does not fully conform with the provisions of the Code, the Commission shall refer the application to the Board with the request that the Board determine whether the applicant should be entitled to a variance from strict compliance with the provisions of the Code which the proposed lot split violates. Upon review and the decision of the Board, the proposed lot split shall be returned to the Commission for its final review and approval, disapproval or modification.
 - (2) The Commission may disapprove the plan where it finds that the proposed use is not consistent with the Vision; findings supporting such disapproval shall be stated on the record and forwarded to the applicant within fourteen (14) calendar days.
 - (3) Upon approval by the Commission, the applicant has 180 days to provide a final plat to the Engineer. Failure to provide the aforementioned plat will cause the decision of the Commission to be null and void. The Commission for good cause may extend the aforesaid 180 day period.



Recommendation

City Staff have determined the requirements for approval a Lot Split and Consolidation of PPN 312-17-029, PPN 312-17-030, PPN 312-17-031, PPN 312-17-032, PPN 312-17-033, and PPN 312-170-34 pursuant to Section 1155.07 – Procedures for Lot Splits and Section 1155.06 – Procedures for Lot consolidations and Resubdivisions have been met and recommend approval with the following condition:

1. The comments provided by the City Engineer via CT Consultants dated October 4, 2023, must be addressed to the satisfaction of the City Engineer and revised documents submitted for signature and recording.





Docket No. 10-22-23
13741 Madison Avenue

**CONDITIONAL USE PERMIT
BACK ALLEY SOCIAL CLUB
OUTDOOR DINING**

Request

The review and approval of a Conditional Use Permit for an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facility. Property is in a C2, Commercial – Retail District.



13741 Madison Avenue

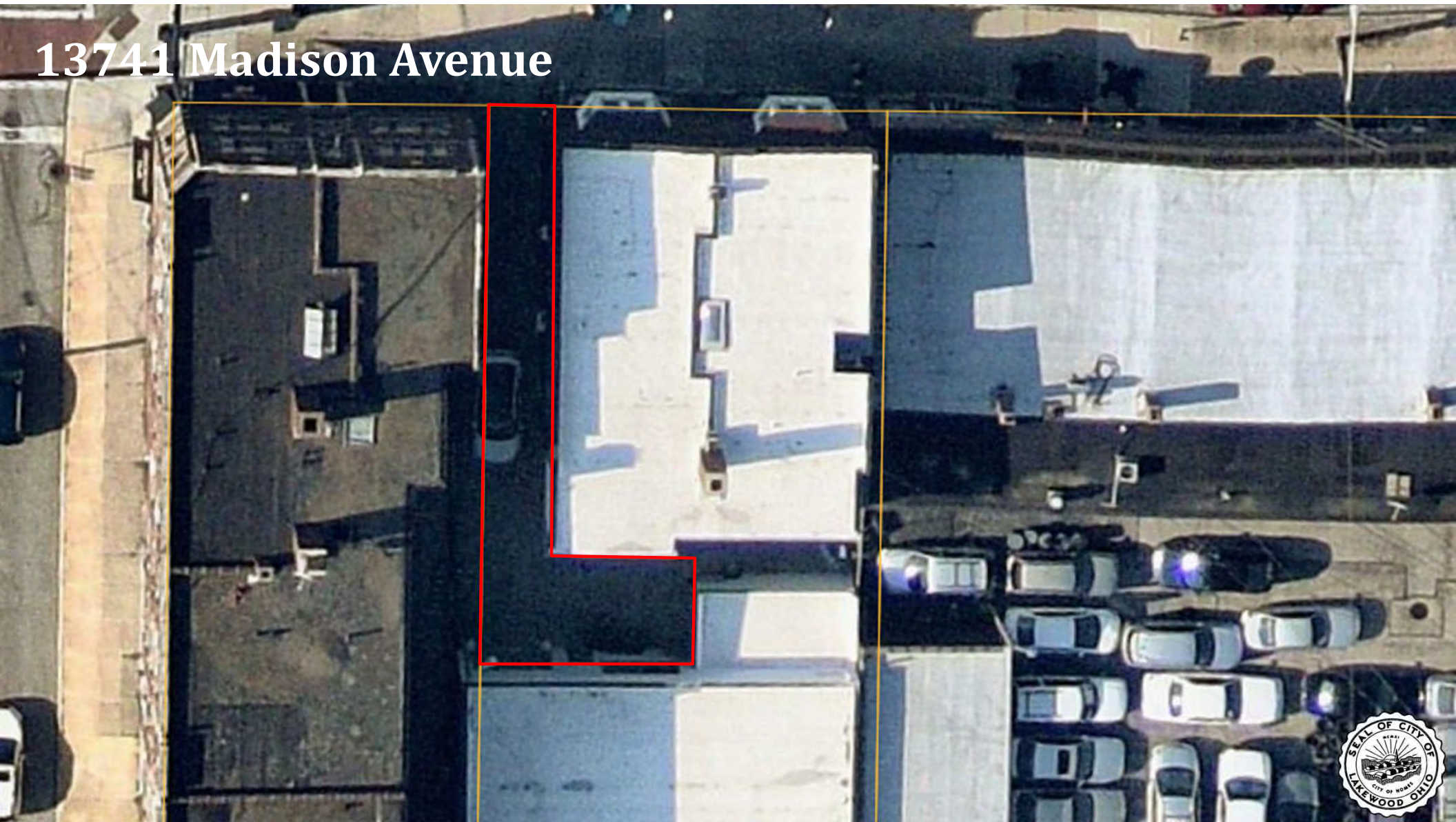
Madison Avenue

Bunts Road

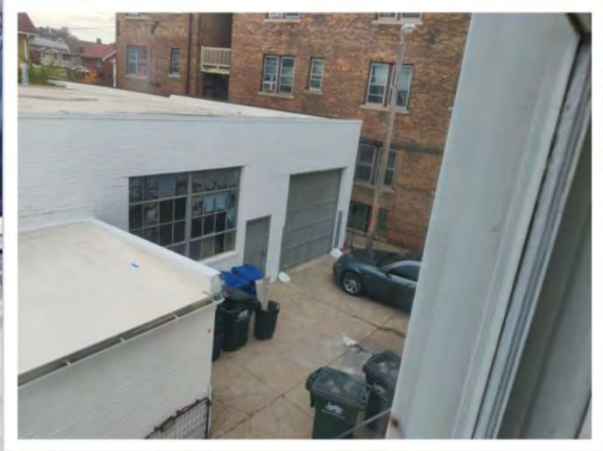
Wascana Avenue



13741 Madison Avenue



13741 Madison Avenue

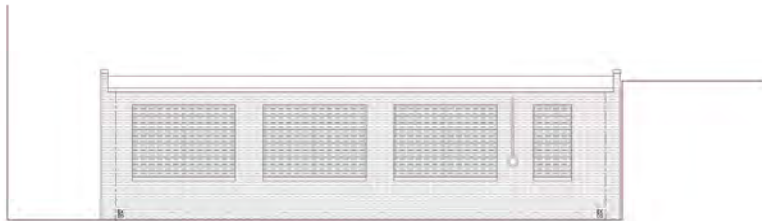




Front Elevation (North)
SCALE 1/4" = 1'-0"



Side Elevation (West)
SCALE 1/4" = 1'-0"



Rear Elevation (South)
SCALE 1/4" = 1'-0"



Elevations / Renderings



Elevations / Renderings

1161.02 GENERAL STANDARDS FOR ALL CONDITIONAL USES.

In addition to any specific regulations required by this Code or the Ordinances, the Commission shall find:

- (a) That the conditional use will be consistent with the general objectives, or any specific objectives, for the zoning district in which it is located, as set forth in this Code and the Vision.
- (b) That the conditional use will be designed, constructed, operated and maintained so as not to be detrimental to or endanger the public health, safety, or general welfare.
- (c) That the conditional use will not change the essential character of the general vicinity in which it is located.
- (d) That the conditional use will not be injurious to the uses permitted by right in the immediate vicinity, nor substantially diminish or impair property values within said vicinity.
- (e) That establishment of the conditional use will not impede the normal and orderly development of uses permitted by right in the immediate vicinity.
- (f) That adequate utilities and public facilities and services, such as streets and sewer and water services, are or will be provided; and that establishment of the conditional use will not require expenditures of public funds for such public facilities or services.
- (g) That adequate measures have been taken to minimize traffic congestion on public streets.
- (h) That the conditional use will not suffer substantial hardship in the future due to the conditional use being surrounded by uses permitted by right, which are incompatible with the conditional use.



1161.03(t) SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated:

https://codelibrary.amlegal.com/codes/lakewood/latest/lakewood_oh/0-0-0-74832





Docket No. 10-23-23
13741 Madison Avenue

PARKING PLAN REVIEW BACK ALLEY SOCIAL CLUB

Request

The review and approval of a Parking Plan pursuant to Section 1143.09 – Parking Plan Review and Section 1143.10 – Exceptions to Required Minimums. Property is in a C2, Commercial – Retail District.



13741 Madison Avenue

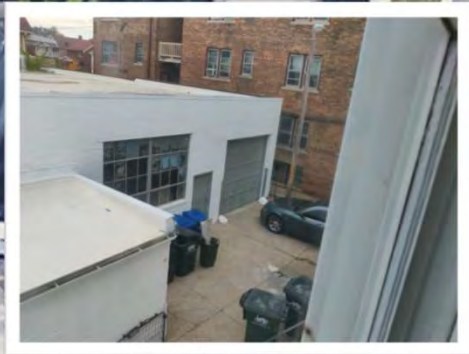
Madison Avenue

Bunts Road

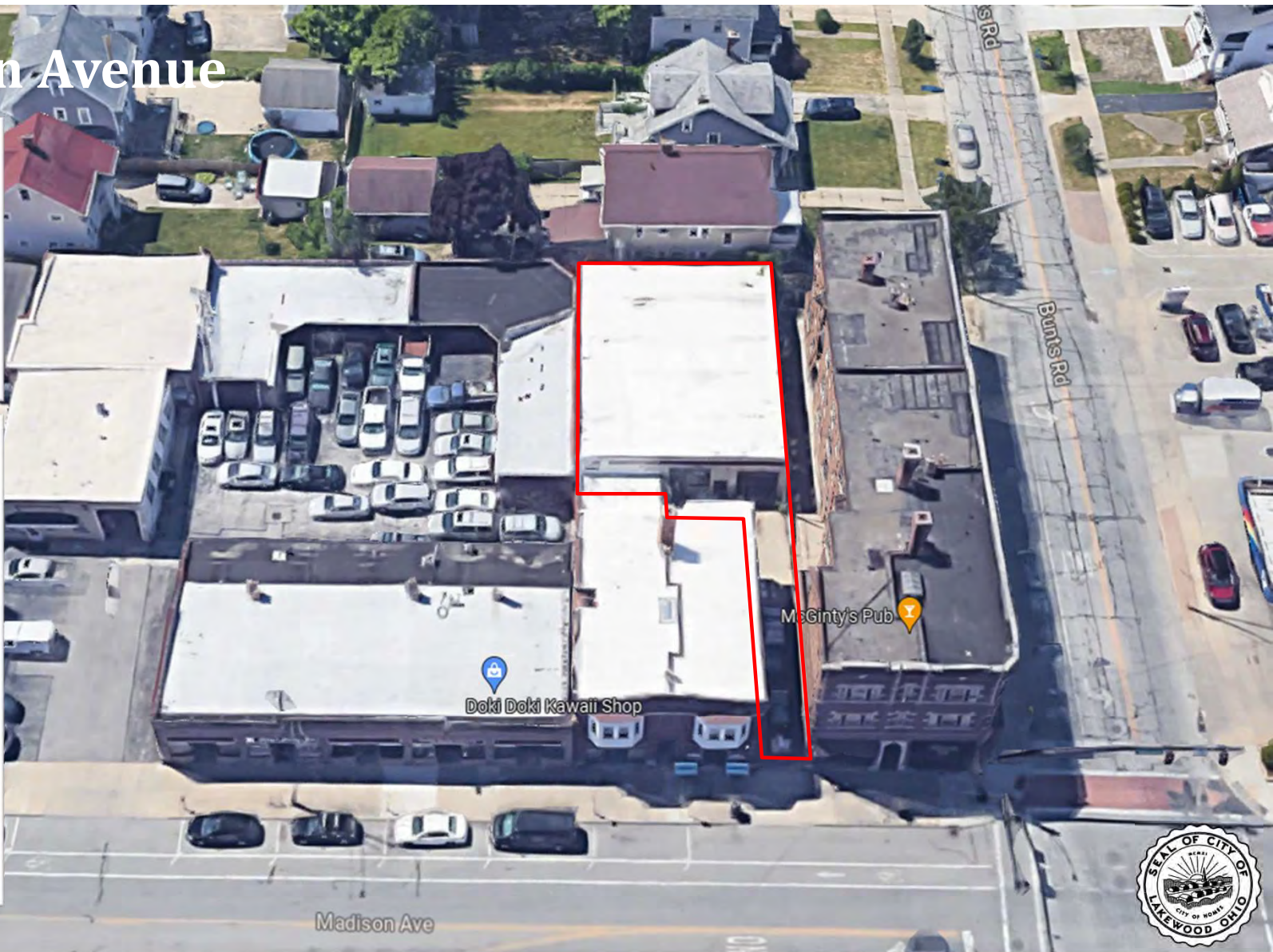
Wascana Avenue



13741 Madison Avenue



Madison Ave



Madison Ave

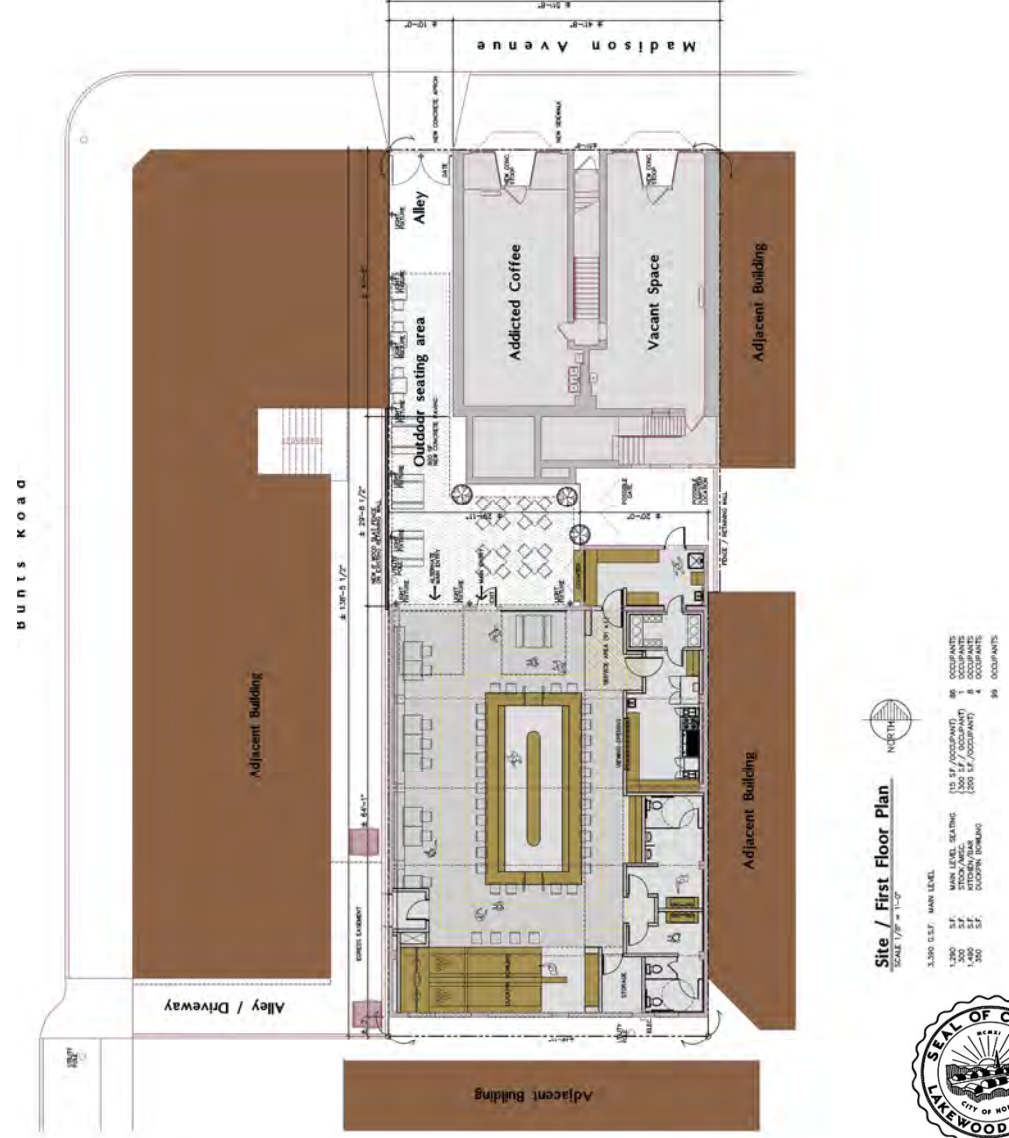


Parking Calculation

Building Area	3,390 sf
Outdoor Dining	1,000 sf
TOTAL	4,390 sf

1 space per 1,000 sf = 4.39 spaces
Round to Higher Number = 5 spaces

Required Parking



PARKING SPACE AGREEMENT

August 23, 2023

Charlie Calanni
c/o 13728 Madison Ave
Lakewood, Ohio 44107
216-228-6979

Patrick McGinty
13741 Madison Ave.
Lakewood, OH 44107

I, Charlie Calanni, agree to rent four (4) parking spaces to Patrick McGinty monthly. The parking spaces will be located at the rear of 13731-37 Madison Ave. The cost for these four parking spaces will be \$400.00 per month. This agreement will begin on September 1st 2023. Mr. McGinty will be required to maintain these four parking spaces including to keep them free of dirt and debris and manage the snow removal etc.



CHARLIE CALANNI



PATRICK MCGINTY



Janet Brunson
4-28-2024



Shared Parking Agreement

1143.09 PARKING PLAN REVIEW: PLANNING COMMISSION.

- (a) The Commission shall review applications for parking plans that do not meet the set schedule in 1143.05. In addition to Section 1143.09 and Section 1143.10, the Commission may consider the following when reviewing an application:
- (1) Impact on central character of residential neighborhoods taking on overflow parking;
 - (2) Available surface parking lots in the neighborhood that could be used for shared parking;
 - (3) Similarly scaled projects throughout the City to compare parking footprint;
 - (4) When a restaurant use is proposed, the total number of tables to parking spaces;
 - (5) Total number of employees;
 - (6) Alternative forms of transportation available in the neighborhood;
 - (7) Implementation of bicycle facilities, including but not limited to, bicycle racks, covered bicycle parking, and shower facilities for employees;
 - (8) Peak demand for parking spaces from all uses compared to the total supply of spaces;
 - (9) Traffic impact analysis and/or a traffic demand study;
 - (10) For uses defined as Institutional or Public Assembly in Schedule 1143.05, the following guidelines:
 - A. One space for each 80 square feet of all auditoria and public assembly rooms: and
 - B. One space for each employee.



1143.10 EXCEPTIONS TO REQUIRED MINIMUMS.

The number of parking spaces required may be reduced in accordance with the following credits as determined by the Commission when reviewing an application for a reduction to the minimum number of parking spaces required per Schedule 1143.05.

- (a) For uses defined as Commercial in Section 1143.04, the Commission may consider the following:
 - (1) One space credit for each off-site parking space which is owned or rented by the property or business owner for the purpose of providing parking to the subject property. Such off-site spaces shall be located within 1,000 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking space or lot to the main public entrance of the use served.
 - (2) One space credit for each off-site parking space provided by valet parking service. The property or business owner shall submit to the department written documentation of permission to use an off-site parking for valet parking. The Director may request a review of the agreement as often as annually to ensure compliance.
 - (3) One space credit for each space in a parking lot or parking structure provided for public use located within 1,000 feet, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.
 - (4) A determination by the Director is made that there is no change in use and the same parking facilities are in place.

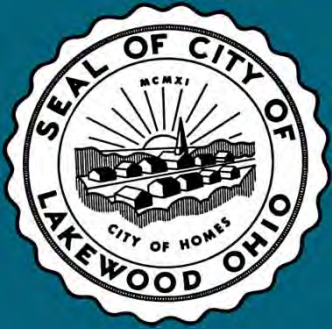


Recommendation

City Staff recommends these applications be deferred until such time the Applicant can address the following items:

1. Confirm the square footage area of the outdoor dining area.
2. Provide additional off-site, off-street parking as required by the Zoning Code for the outdoor dining area.
3. Clearly delineate the off-site, off-street parking spaces and mark them for use by this business.
4. Design one of the off-street parking spaces to meet ADA requirements.
5. Clarify the provision of refuse service for the site and how it impacts the outdoor dining area.
6. Provide a full screen and gate for the refuse containers for review and approval by the Architectural Board of Review.
7. Clarify how access and accessibility are maintained given the existing retaining walls and proposed fences on the east and west sides of the property.





Docket No. 05-11-23

Ordinance 07-2023

ZONING CODE AMENDMENT ADDITIONAL DWELLINGS & LOT COVERAGE

Request

The review and approval of City Council Ordinance 07-2023 for various amendments to Chapters 1121, 1123, and 1133 of the Zoning Ordinance to allow additional dwelling units and increase the principal building lot coverage in certain zoning districts.



Definitions

CHAPTER 1103 Definitions

1103.02 Definitions.

1103.02 DEFINITIONS.

The following terms and phrases shall have, for purposes of the Code, the meanings as set forth in this section.

(dd-3) DWELLING UNIT, ACCESSORY means a self-contained dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen, bathroom, and sleeping area that is located on the same lot as a larger single-family dwelling that serves as the principal use of the lot, and whose use is subordinate and incidental to the larger single-family dwelling.

(rr-1) LOT COVERAGE means that percent of the lot area occupied by a structure, including any part thereof, which extends beyond the foundation; roof overhangs of twelve (12) inches or less, including any rain gutter, shall be excluded from this calculation.

(rr-2) LOT COVERAGE, MAXIMUM means the portion of the lot covered by any structure or constructed element that impedes infiltration of stormwater into the ground or disrupts vegetated surfaces. For purposes of determining maximum lot coverage, buildings, structures, or constructed elements that allow some infiltration, such as decks, patios and driveways, porous pavers or concrete, or other elements that disturb ground cover shall be counted towards the total surface coverage unless it is demonstrated it is a functional and integral part of a stormwater system and best management practice as determined by the City Engineer or designee.



Lot Coverage – R1 Districts

CHAPTER 1121
Single-Family Residential Districts

1121.09 Maximum lot area coverage.

1121.09 MAXIMUM LOT AREA COVERAGE.

(a) The principal structure, including ~~decks, patios, etc., attached accessory dwelling units,~~ shall not cover more than ~~twenty-five percent (25%)~~ thirty-five percent (35%) of the lot area.

~~(b) Arbors, trellises, exterior steps, fences, and living fences shall be excluded from the lot coverage requirement.~~

~~(eb)~~ An accessory structure or structures shall not cover more than twenty-five percent (25%) of the area of the rear yard except as provided in Section 1121.03.

~~(c) The maximum lot coverage shall not exceed the following:~~

~~(1) 85% in the R1H District;~~

~~(2) 70% in the R1M District; and~~

~~(3) 60% in the R1L District.~~



Uses & Lot Coverage – R2 District

CHAPTER 1123
Single- and Two-Family Residential Districts

1123.04 Conditionally permitted uses.

1123.09 Maximum lot area coverage.

1123.04 CONDITIONALLY PERMITTED USES.

If approved by the Commission pursuant to Section 1173.02, the following may be permitted as conditional uses provided that the standards and conditions hereinafter specified are met:

- (a) Roomer, pursuant to Section 1161.03(q).
- (b) Accessory Parking, pursuant to Section 1161.03(a).
- (c) Re-use of an existing non-conforming structure, pursuant to Section 1161.03(o).
- (d) A Type B home occupation, pursuant to Chapter 1145 and Section 1161.03(f).
- (e) Wireless telecommunication antenna(s), pursuant to Section 1159.04(c)(2).
- (f) Wind generation facility, pursuant to Chapter 1160.

~~(g) Accessory Dwelling Units, pursuant to Section 1161.03(bb).~~

1123.09 MAXIMUM LOT AREA COVERAGE.

(a) The principal building, including ~~attached decks attached accessory dwelling units,~~ shall not cover more than ~~twenty-five percent (25%)~~ thirty-five percent (35%) of the lot area.

~~(b) Arbors, trellises, exterior steps, fences, and living fences shall be excluded from the lot coverage limitation.~~

~~(eb)~~ An accessory structure or structures shall not cover more than twenty-five percent (25%) of the area of the rear yard except as provided in Section 1123.03. Accessory dwelling units are not subject to this provision and instead regulated by Section 1161.03(bb).

~~(c) The maximum lot coverage shall not exceed 85%.~~



Conversion Prohibition

CHAPTER 1133
Additional District Regulation

1133.06 Conversion of Single-Family Structure Prohibited.

1133.06 CONVERSION OF SINGLE-FAMILY STRUCTURE PROHIBITED.

No single-family structure shall be converted to or enlarged or altered to accommodate more than one (1) family, except that an accessory dwelling unit can be constructed or located on certain lots in accordance with Section 1161.03(bb).



Conditional Use Requirements

CHAPTER 1161
Conditional Uses

1161.03 Conditionally permitted uses.

1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

(bb) Accessory Dwelling Units. In a R2 Single- and Two-Family District accessory dwelling units may be permitted as a conditionally permitted use subject to the following regulations:

- (1) The lot on which an accessory dwelling unit is placed shall have only one existing dwelling unit.
- (2) The lot must be continuously occupied by the majority owner of the lot as their primary residence and as evidenced by documentation determined sufficient by the Planning & Development Director or designee.
- (3) The accessory dwelling unit may be attached to or detached from any principal or accessory structure. If attached to a principal structure, the accessory dwelling unit must be designed in a manner to minimize the impact to the principal structure, to the maximum extent practical.
- (4) For any accessory dwelling unit proposed over an existing accessory structure (i.e., a garage) the existing structure must meet current Building Code requirements.
- (5) The accessory dwelling unit must be located in a side or rear yard and not be closer to any street frontage than the primary structure. In the case of a double frontage lot, the accessory dwelling unit shall meet the applicable setback standards.
- (6) The minimum gross floor area of the accessory dwelling unit shall be that required by the applicable Building Code in effect at the time any permit is issued.
- (7) The maximum gross floor area of the accessory dwelling unit shall be 50% of the gross lot coverage area of the principal structure, excluding porches, decks, and patios, or 1,000 square feet, whichever is less. The maximum gross floor area shall not include any exterior stairs or landings required for ingress or egress.
- (8) For accessory dwelling units attached to the principal structure, the maximum height shall be that applicable for the principal structure. For accessory dwelling units that are detached or attached to an accessory structure, the maximum height shall be that

applicable for an accessory structure. In no instance shall the height of the accessory dwelling unit exceed the height of the principal structure.

(9) The accessory dwelling unit must be designed to be consistent and harmonious with the existing principal structure on the lot.

(10) There shall be one designated off-street parking space on the lot on which the accessory dwelling unit is located.

(11) The accessory dwelling unit must separately addressed with the address posted in accordance with Ohio Fire.

(12) An accessory dwelling unit cannot be separately conveyed for sale or purchase from the principal structure on the lot.

(13) The minimum rental term for an accessory dwelling unit shall not be less than 30 days.

(14) No certificate of compliance or completion or permit to occupy an accessory dwelling unit shall be issued until evidence is provided to the Planning & Development Director that a deed restriction providing notice of the regulations of this Chapter and Section, on a form approved by the Law Director, or designee, has been recorded on the lot with Cuyahoga County.





Planning Commission

October 5, 2023



Priorities of Proposed Legislation

Following meetings held with City Council Housing Planning & Development Committee and Planning Commission in 2021, the current focus of the legislation is on the following priorities:

1. Aging in Place
2. Shared Living
3. Affordability
4. Maintain Neighborhood Character



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Outline of Revised ADU Amendments

1. Section 1103.02(c). New definition.
 - a) “Accessory Dwelling Unit” means a self-contained dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen, bathroom, and sleeping area that is located on the same lot as a larger single-family dwelling that serves as the principal use of the lot; and whose use is subordinate and incidental to the larger single-family dwelling.

2. Section 1133.06. Modified language from that presented by Ordinance 07-2023.
 - a) No single-family structure shall be converted to or enlarged or altered to accommodate more than one (1) family, except that an accessory dwelling unit may be attached to single-family structure in the R2 District as authorized by Sections 1123.04 and 1161.03(bb).

Outline of Revised ADU Amendments

3. Sections 1123.04 and 1161.03(bb). New language allowing attached and detached accessory dwelling units on R2 zoned lots with the following conditions (listed generally for purposes of this outline):
 - a) Conditional use permit required.
 - b) An accessory dwelling unit is only permitted on a lot having one existing dwelling unit.
 - c) The lot must be owner occupied.
 - d) The accessory dwelling unit must be attached to the principal structure, detached, or over an accessory structure. If attached, the accessory dwelling unit cannot be established using any part of the principal structure building envelope.
 - e) Must be located in the side or rear yard and not closer to any street frontage than the principal structure.
 - f) Must provide one designated off-street parking space on the property on which the accessory dwelling unit is located.
 - g) Minimum area as required by current building code in effect at time of application.
 - h) Maximum area:
 - i. For detached accessory dwelling units and accessory dwelling units that are attached to the principal structure, 50% of the gross lot coverage of the principal structure, excluding and porches, decks, or patios or 800 sq ft, whichever is less.
 - ii. For accessory dwelling units located over an accessory structure, the maximum size prescribed by 1123.09(b).

Outline of Revised ADU Amendments

3. Sections 1123.04 and 1161.03(bb). New language allowing attached and detached accessory dwelling units on R2 zoned lots with the following conditions (listed generally for purposes of this outline):

(continued from previous slide)

- i) For accessory dwelling units attached to the principal structure, the maximum height equals that established for the principal structure. If detached or over an accessory structure, the maximum height equals that established for an accessory structure. In no case, shall the height of the accessory dwelling unit exceed the existing height of the principal structure.
- j) For accessory dwelling units proposed over an existing accessory structure, the existing structure must meet current Building Code requirements.
- k) Must be designed to be consistent and harmonious with the existing principal structure.
- l) Cannot split or convey the accessory dwelling unit apart from the principal structure.
- m) Minimum rental term is thirty (30) days.
- n) Must be separately addressed and posted in accordance with Ohio Fire Code.
- o) Penalties for non-compliance.

Outline of Revised Lot Coverage Amendments

1. Section 1103.02(tt). New definition.
 - a. “Lot coverage, maximum” means the portion of the lot covered by any structure or constructed element that impedes infiltration of stormwater into the ground or disrupts vegetated surfaces. For purposes of determining maximum lot coverage, buildings, structures, or constructed elements that allow some infiltration, such as decks, patios and driveways, porous pavers or concrete, or other elements that disturb ground cover shall be counted towards the total surface coverage unless it is demonstrated it is a functional and integral part of a stormwater system and best management practice as determined by the City Engineer.

Outline of Revised Lot Coverage Amendments

2. Sections 1121.09 and 1123.09. New and modified language from that presented by Ordinance 07-2023.
 - a. The principal structure including ~~decks, patios, etc.,~~ attached accessory dwelling units shall not cover more than ~~twenty-five percent (25%)~~ thirty-five percent (35%) of the lot area.
 - ~~b. Arbors, trellises, exterior steps, fences, and living fences shall be excluded from the lot coverage requirement.~~
 - c. An accessory structure or structures shall not cover more than twenty-five percent (25%) of the area of the rear yard except as provided in Section 1121.03. However, any accessory dwelling unit not located above an accessory structure shall not be included in this calculation.
 - d. The maximum lot coverage shall not exceed the following:
 - i. 85% in the R2 and R1H District; *[Section 1123.09]*
 - ii. 70% in the R1M District; and *[Section 1121.09]*
 - iii. 60% in the R1L District. *[Section 1121.09]*