November 20, 2023
Regular Meeting
7:30 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir
Cleveland Heights, Ohio

AGENDA - CLEVELAND HEIGHTS CITY COUNCIL MEETING

1) Meeting called to order by Council President

2) Roll Call of Council Members

3) Excuse absent members

4) Amendments to the Agenda (if necessary)

5) Approval of minutes from previous meeting(s)

a. September 18, 2023

6) Communications from the Mayor

7) City Administrator's Report

8) City Departmental Report(s)

9) Report of the Clerk of Council

10) Public Comment - Legislative Agenda Items only
(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda. Comments unrelated to the agenda may be made after Committee Reports)

11) LEGISLATION
Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public Safety and Health. See Resolution 97-2022 for a list of Council Committee subject matter areas.

a. First Readings – Consideration of Adoption Requested

ORDINANCE NO. 185-2023(F): *First Reading.* An Ordinance to amend certain subparagraphs of Ordinance No. 168-2022, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2023; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

RESOLUTION NO. 186-2023(PD): *First Reading.* Resolution authorizing the Mayor to apply for grant funding under the Cuyahoga County Department of Development's Community Development Supplemental Grant program to replace and repair decorative light fixtures in the Coventry Village business district; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

b. First Readings Only

ORDINANCE NO. 187-2023(PD): *First Reading.* An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's mixed-use regulations as contained in the C-2X Multiple Use Zoning District, and transmitting the same to the Planning Commission.

Introduced by Mayor Seren

ORDINANCE NO. 188-2023(PD): *First Reading.* An Ordinance amending the Zoning Map of the City of Cleveland Heights to rezone the parcels along South Taylor Road, generally from Euclid Heights Boulevard south the Cedarbrook Road, and transmitting the same to the Planning Commission.

Introduced by Mayor Seren

ORDINANCE NO. 189-2023(AS): *First Reading.* An Ordinance enacting and adopting a new Chapter 146, to be entitled *Parks and Recreation Youth Advisory Board.*

Introduced by Councilmember Russell

RESOLUTION NO. 190-2023(HB): *First Reading.* An Ordinance amending Chapter 1347, "Certificate of Occupancy and Lead-Safe Certification", of the Codified Ordinances of the City of Cleveland Heights to adopt and enact a

new Section 1347.14, to be entitled “Transient Rentals”, amending Section 1341, “Definitions” to adopt a new Subsection 1341.251 to be entitled “Transient Rentals”, and amending Subsection (a) of Section 1345.99, “Penalty."

Introduced by Councilmember Cuda

RESOLUTION NO. 193-2023(PD): *First Reading.* A Resolution authorizing the Mayor to enter into a development agreement with WXZ CPV LLC, concerning the redevelopment of the Taylor-Tudor buildings; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

c. Second Readings

ORDINANCE NO. 123-2023(AS): *Second Reading.* An Ordinance amending Part One, Title Five of the Administrative Code of the Codified Ordinances of the City of Cleveland Heights to enact a new Chapter 142 “Arts Commission” to establish an Arts Commission for the City of Cleveland Heights and provide for appointment, powers, and duties of the commission; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

RESOLUTION NO. 175-2023(MSES): *Second Reading.* A Resolution authorizing the Mayor to enter into an agreement with the County of Cuyahoga to perform certain services to help maintain the City’s sanitary and storm sewers; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

RESOLUTION NO. 176-2023(MSES): *Second Reading.* A Resolution authorizing the Mayor to enter into an agreement with Glaus, Pyle, Schomer, Burns and DeHaven, Inc., (“GPD Group”) for utility engineering services associated with the replacement of water mains on Edgerly and Clarendon Roads; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

RESOLUTION NO. 177-2023(MSES): *Second Reading.* A Resolution authorizing an agreement with Pfund Superior Sales Co., Inc. of Lower Burrell, PA for the purchase of a 2025 Freightliner Crew Cab Ambulance and Chassis for the Cleveland Heights Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

RESOLUTION NO. 183-2023(MSES): *Second Reading.* A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the Member Community Infrastructure Grant Program for the design control of SSO CH-30; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

RESOLUTION NO. 184-2023(MSES): *Second Reading.* A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the Member Community Infrastructure Grant Program for the Hampshire Road Illicit Connections and SSO Control Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

ORDINANCE NO. 179-2023(COTW): *Second Reading.* An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds.

Introduced by All Council Members

d. Consent Agenda

Note: Individual Consent Agenda items are not discussed separately during the Council meeting, unless removed from the Consent Agenda on the request of a member of Council. Once an item is removed from the Consent Agenda, it will be placed on the Regular Agenda. Action upon the Consent Agenda will require two motions: the first to suspend the rules under Chapter 11 of the Codified Ordinance of the City of Cleveland Heights, and a second for approval or adoption of the items within the Consent Agenda. A vote upon adoption of the Consent Agenda operates as to all items on the Consent Agenda at the time the motion to approve or adopt is made.

RESOLUTION NO. 191-2023(CRR): *First Reading.* A Resolution recognizing December, 2023 as *Universal Month for Human Rights* and December 10, 2023 as *Human Rights Day*; and declaring the necessity that

this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Russell

RESOLUTION NO. 192-2023(COTW): ***First Reading.*** A Resolution recognizing November 20, 2023 as *Transgender Day of Remembrance* in the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Hart

Motion to Suspend Rules
Motion to Adopt

12) Public Comment - General
(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda.)

13) Committee Reports

14) Adjournment

NEXT MEETING OF COUNCIL: DECEMBER 4, 2023

September 18, 2023
Regular Meeting
7:30 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir
Cleveland Heights, Ohio

MEETING MINUTES

1) Meeting called to order by Council President

Start: 7:40pm

2) Roll Call of Council Members

Present: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda
Excused: None
Absent: None

3) Excuse absent members

None

4) Amendments to the Agenda (if necessary)

Motion for Vice President Cobb to be Clerk pro tem: Gail Larson
Seconded: Anthony Mattox Jr.

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda
No: None

MOTION PASSED

5) Approval of minutes from previous meeting(s)

a. August 21, 2023

APPROVED

6) Recertification Plaque Presentation - ReadyCertify Program

Cuyahoga County Office of Emergency Management

Certification presented to Cleveland Heights Police and Fire Departments

7) Communications from the Mayor

DRAFT

Thanked Chief Harry and Chief Britton and gave thanks to the office of emergency management at the County.

Notified Council that sealed bids have been received on Friday, September 8, for Project #23-07 Fairmount and Coventry SSO. Terrace Construction Co. of Cleveland Ohio bid, $415,276.40 which was the lowest and best responsible bid. This project will be paid for using ARPA funding.

Commented on the developments for LGBTQ+ children and their families of schools that are part of the Cleveland Dieses.

8) Report of the Clerk of Council

Notify Council that notices have been received from the Ohio Division of Liquor Control advising that applications have been made by the following:

a. Seamus Marotta Inc dba Marottas Pizza & Pasta, 2289 Lee Rd. Cleveland Heights, OH 44118 for a stock transfer of a D5/D6 permit

READ INTO THE RECORD

b. Dolgen Midwest LLC dba Dollar General Store #25920, 3070 Mayfield Rd. Cleveland Heights, OH 44118 for a new C1/C2 permit.

READ INTO THE RECORD

REFERRED TO THE MAYOR, CHIEF OF POLICE, AND LAW DIRECTOR

9) Public Comment - Agenda Items only

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda. Comments unrelated to the agenda may be made after Committee Reports)

Ryan Kelly	Other	ORD 143-2023; Noble Station Development Agreement
CJ Nash	Citizen	ORD 143-2023; Noble Station
Walter Thompson	Citizen	ORD 143-2023; Noble Station and lack of housing code enforcement
Cindy Evans	Citizen	ORD 143-2023; Noble Station
Tonya Horn	Citizen	ORD 143-2023; Noble Station
Ruby Lyde	Citizen	ORD 143-2023; Noble Station

Towya Palmer	Citizen	ORD 143-2023; Noble Station
Maddie Williams	Citizen	ORD 143-2023; Noble Station
Diane Hallum	Citizen	ORD 143-2023; Noble Station
Wes Schaub	Citizen	ORD 143-2023; Noble Station
Karen Lash	Citizen	ORD 143-2023; Noble Station
Rev. Jimmie Hicks	Citizen	ORD 143-2023; Noble Station
Jimmie Hicks III.	Citizen	ORD 143-2023; Noble Station
Richard Brown	Citizen	ORD 143-2023; Noble Station

10) LEGISLATION

Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public Safety and Health. See Resolution 97-2022 for a list of Council Committee subject matter areas.

a. First Readings – Consideration of Adoption Requested

ORDINANCE NO. 149-2023(F): *First Reading.* An Ordinance to amend certain subparagraphs of Ordinance No. 168-2022, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2023, and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.
Seconded: Gail Larson

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda
No: None

LEGISLATION PASSED

b. First Readings Only

ORDINANCE NO 150-2023(PD): *First Reading.* An Ordinance amending various sections of Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances to facilitate a permanent Shared Spaces Program within the City; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

c. Second Readings

RESOLUTION NO. 139-2023(F): *Second Reading.* A Resolution authorizing the Mayor to enter into an agreement with the Coventry Village Special Improvement District of Cleveland Heights, Ohio, Inc. ("Coventry SID") for advancement of funds in anticipation of assessment; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to adopt: Anthony Mattox Jr.
Seconded: Janine Boyd

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda
No: None

LEGISLATION PASSED

RESOLUTION NO. 140-2023(F): *Second Reading.* A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2023 tax year collection pursuant to Section 321.34 of the Ohio Revised Code; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to adopt: Gail Larson
Seconded: Anthony Mattox Jr.

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda
No: None

LEGISLATION PASSED

RESOLUTION NO. 141-2023(F): *Second Reading.* A Resolution accepting the amounts and rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and

declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to adopt: Anthony Mattox Jr.
Seconded: Davida Russell

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda
No: None

LEGISLATION PASSED

ORDINANCE NO. 142-2023(PSH): *Second Reading As Amended.* An Ordinance establishing and acknowledging a policy of detainee access to menstrual products and cleaning facilities in the Cleveland Heights Jail; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to adopt: Janine Boyd
Seconded: Anthony Mattox Jr.

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda
No: None

LEGISLATION PASSED

ORDINANCE NO. 143-2023(PD): *Second Reading.* An Ordinance authorizing the Mayor to enter into a Development Agreement with TWG Development, LLC for the construction of a residential development at 2228 Noble Road (several parcels); and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to adopt: Anthony Mattox Jr.
Seconded: Janine Boyd

Discussion
Larson: It was a challenge for her to make a decision on this piece of legislation. After consideration she does not believe this proposed development is the right plan for this location as the site is too long and narrow. The proposed structure does not convey a sense of community. Concerned about increased traffic being disruptive to the neighborhood. The citizens deserve to be included in compiling a plan for their neighborhood. She will be voting no.
Hart: She is in favor of some development on this land, but does not plan to vote yes on this particular development. It was not fully vetted with the public. She received a lot of communication from those opposed to this development. The plan is oversized for the lot; and while the developer made some changes, there weren't enough design change. Council found out only a few weeks ago that a

DRAFT

vote was needed tonight or else the developer would lose tax credit. She does not feel comfortable voting for something that doesn't have public support. She will also be voting no. She hopes there will be future development on this land.
Cobb: There was no attempt insofar as he can see of the developer to build any consensus for this project. Under OHFA (Ohio Housing Finance Agency) requirements the proposal should include a community outreach program before they submitted their proposal to OHFA in February. He does not know when that occurred. He does not know how this project got approved without that process occurring. The fact that we are now up against this last-minute deadline is not Council's fault; we have a responsibility to the residents of this community and he will not be rushed. It is unfortunate, because we need development, but in his opinion this project was not handled appropriately. He will not be voting yes for this project.
Cuda: Affordable housing is essential, but he doesn't think this project has been property vetted by the community it will affect the most. He was unsatisfied with the developer's progress at the most recent ABR meeting; he applauds the ABR for their diligence and professionalism. The testimony given by resident, Paul Volpe at the Planning Commission meeting was also very persuasive and made him unsure the OHFA application was completed correctly. Weighing all these factors, he will be voting no on this legislation. He would like the city's planning staff to come up with a process for engaging the public and then a development plan we can rally around.
Russell: Everybody in Cleveland Heights knows how she feels; she has been speaking out for Noble since 2019. She created legislation for ARPA funds to be dedicated to the Noble business district. Her entire family lives in the Noble neighborhood and she has been praying and asking for something to get done since she has been on council. She doesn't care who gets credit, she just wants something to be done. She doesn't want to see another apartment building. She has heard many complaints and they seem to fall on deaf ears. She is tired of asking and begging. Our staff and planning commission did a great job of telling the developer what needed to be done, but the developer came up short.
Mattox: This project has opened up conversations about the future of the Noble area. It is no secret that the conversation has gotten heated at times but that is because we are all passionate about change in that neighborhood. He was raised in the Noble neighborhood and he raised his kids in the Noble neighborhood. This conversation is just the start and a lot of other things that are affecting that area have been brought to light. Recognizing there is a huge gap in income, that renters and homeowners alike need to work together, and businesses in the area need support—they struggle partly because the people in the area don't frequent those businesses. We all need to assume everybody on this Council and in this community have the best interest of this area at heart. We need to focus on the needs of the community, and build on trust. He will be voting yes on this project because it continues the conversations that need to happen. He commends Rev. Hicks and TWG and the community for continuing to have these conversations. He hopes this engagement continues to happen.
Boyd: This was a tough decision for her. She originally was not going to vote yes for this project; however, the administration did a great job to answering the

questions she and others had. Councils, not just ours, have passed development projects before receiving ABR approval and have had to do what TWG has indicated they will do by continuing to engage the community in designs and the plans etc. When she found Start Right was a local partner, she changed her mind to a yes vote. As a minority owned and local business who already does work in this neighborhood, she believes that partnership made sense and was a value to the community. She believes people struggling to find affordable housing deserve options and we need to keep this conversation open.

Mayor Seren: When he saw that Start Right CDC was parenting with TWG on this project, he felt a great deal of hope and optimism in that partnership. This would be an opportunity to build experience and knowledge in ways that none of us are even aware of, can help to create a legacy of improving on the really great bones of a set of wonderful neighborhoods. He felt this partnership would be a great asset to the community. He doesn't understand why anybody would be so dedicated to a development unless they have the interest of that community in mind. In terms of development, he often talks about momentum, but you have to push to build momentum. He believes this project could be that push to build momentum. Development begets development. He is dedicated to continuing to push for development in every corner of our city, especially in those neighborhoods where private development has been lacking. He thanked TWG, Rev. Hicks and Start Right, and the Council for their consideration.

Yes: Anthony Mattox Jr., Janine Boyd
No: Gail Larson, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda

LEGISLATION FAILED

d. Consent Agenda

Note: Individual Consent Agenda items are not discussed separately during the Council meeting, unless removed from the Consent Agenda on the request of a member of Council. Once an item is removed from the Consent Agenda, it will be placed on the Regular Agenda. Action upon the Consent Agenda will require two motions: the first to suspend the rules under Chapter 11 of the Codified Ordinance of the City of Cleveland Heights, and a second for approval or adoption of the items within the Consent Agenda. A vote upon adoption of the Consent Agenda operates as to all items on the Consent Agenda at the time the motion to approve or adopt is made.

Motion to suspend rules: Anthony Mattox Jr.
Seconded: Gail Larson

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda
No: None

MOTION PASSED

Motion to adopt: Anthony Mattox Jr.
Seconded: Davida Russell

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda
No: None

LEGISLATION PASSED

RESOLUTION NO. 151-2023(CRR): *First Reading.* A Resolution recognizing October, 2023 as *National Breast Cancer Awareness Month*; October 13, 2023 as *Metastatic Breast Cancer Awareness Day*; and October 20, 2023, as *National Mammography Day*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Passed on consent agenda

RESOLUTION NO. 152-2023(CRR): *First Reading.* A Resolution recognizing October 2023 as *Domestic Violence Awareness Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Passed on consent agenda

RESOLUTION NO. 153-2023(CRR): *First Reading.* A Resolution recognizing October 22—28, 2023 as *National Lead Poisoning Prevention Week;* and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Larson, President Hart, and Councilmember Boyd

Passed on consent agenda

RESOLUTION NO. 154-2023(CRR): *First Reading.* A Resolution recognizing October, 2023 as *National Book Month;* and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Russell

Passed on consent agenda

11) Committee Reports

PD: Update from his PD Committee meeting on Sept. 12. Discussed legislation, the Noble Development Project, a Merchants Association for Noble and much more.
HB: The HB Committee met a few weeks ago, and there are some minor adjustments being made to the Short-Term Rental legislation that is currently in committee.
CRR: Update from her CRR Committee meeting; talked about free first aid and CPR classes; tenant/landlord Series will be Oct 14 at Church of the Heights (2706

Noble) from 10:30-12:30; Women's Health Expo is Sept. 30 downtown at the Huntington Convention Center; pathway to homeownership fair is Nov. 11
MSES: Update from the MSES Committee; got an update on the sewer repair projects from Director Clinkscale; future SSO work will affect Cedar-Glen and South Taylor. Also talked about recycling programs for apartment buildings and businesses. Next meeting is Oct. 16 at 10am.
AS: AS Committee will hold a hearing on Oct. 4 at 4:30pm on the proposed Ordinance establishing a Mayor's Art Council.
Council: Instead of using inquiry email you may email Directors directly and copy the Mayor.

12) Public Comment - General

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda.)

Blanche Valancy	Citizen	Announcement for League of Women Voters Candidate Forum
Joani Worthy	Other	ERC Specialist; Thank you/update
Tony Ramos	Other	NOPEC enrollment update for the city
Robin Koslen	Citizen	Swimming at Heights High and sidewalk repair program

13) Old Business

Cuda: Would like to discuss reinstating Council comments at the next COTW meeting.

14) New Business

Cuda: Would like to extend legislative review to 30 minutes.

15) Adjournment

End: 9:52pm

NEXT MEETING OF COUNCIL: OCTOBER 2, 2023

DRAFT

City of Cleveland Heights

Memo

To: Mayor Kahlil Seren

From: Andy Unetic, Finance Director

Date: November 15, 2023

Re: November 20, 2023 Amended Budget Adjustment

For the November 20, 2023 Council Meeting, I am requesting a total budget increase of $462,113. Here is a summary of the amended budget adjustment:

Fund 101 General Fund - The administration is requesting a budget increase of $30,000. The Coventry Sid has requested an advance of their 2024 payment that they receive from the City. In 2024 this payment that the City makes to the Coventry SID will be shorted by $30,000.

Fund 241 Local Fiscal Recovery Fund (ARPA) – Council has approved $379,713 of ARPA Funds to purchase a new ambulance.

Fund 402 Financed Capital Projects – The administration is requesting a budget increase to this fund in the amount of $52,400. This expense is to pay for repairs to the elevator and the Cedar Lee Garage.

Attached to this document is more detail about this budget adjustment request.

In order to maintain operations and not delay any projects, I am requesting that this adjustment be passed as an emergency on the first reading.

2023 Budget Adjustments
Ordinance #185-2023
Cash Supplement and Inter-Departmental Transfers

Fund #	Fund Description	2023 Budget Adjustment	Fund	Department	Department	Ordinance Description	2023 Budget Adjustment	Budget Adjustment Notes
101	General Fund	$ 30,000.00	101	5104	SID (Spec Impr District)	O.T.P.S.	30,000.00	Advance on 2024 Conventry SID Payment
	Budget Adjustment Total	$ 30,000.00				Budget Adjustment Total	$ 30,000.00	
241	Local Fiscal Recovery	$ 379,713.00	241	7301	Fire Admin	Capital	379,713.00	New Ambulance
	Budget Adjustment Total	$ 379,713.00				Budget Adjustment Total	$ 379,713.00	
402	Financed Capital Projects Fund	$ 52,400.00	402	8201	Public Property	Capital	52,400.00	Cedar Lee Garage Elevator Repair
	Budget Adjustment Total	$ 52,400.00				Budget Adjustment Total	$ 52,400.00	
	Grand Total Budget Adjustment	$ 462,113.00				Grand Total Budget Adjustment	$ 462,113.00	

Proposed: 11/20/2023

ORDINANCE NO. 185-2023(F), *First Reading*

By Mayor Seren

An Ordinance to amend certain subparagraphs of Ordinance No. 168-2022, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2023, and declaring the necessity that this legislation become immediately effective as an emergency measure.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. Certain subparagraphs of Ordinance No. 168-2022 relating to appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2023 be, and the same hereby are increased, decreased, and/or transferred in the amounts set forth in Exhibit 1.

SECTION 2. All expenditures of the City of Cleveland Heights within the fiscal year ending December 31, 2023, shall be made within appropriations herein provided. “Appropriation” as used herein means the total amount appropriated for the individual fund. Notwithstanding the financial detail herein presented within an individual fund, the Mayor is authorized to transfer budgeted amounts within each fund, so long as the total amount appropriated for each individual fund is not exceeded.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one paper of general circulation in the City of Cleveland Heights.

SECTION 4. It is necessary that this Ordinance become immediately effective as an emergency necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the ongoing and continuous need to preserve the faith and credit of the City. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor

ORDINANCE NO. 185-2023
AN ORDINANCE AMENDING APPROPRIATIONS FOR THE
CURRENT EXPENSES AND OTHER EXPENDITURES OF THE
CITY OF CLEVELAND HEIGHTS, OHIO
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

Department	Object	Original	October's Budget as of as of 10/16/2023 Ord#159-2023	November's Budget Adjustment Ord. #185-2023	Amended Budget
That there be appropriated from the GENERAL FUND, FUND NO. 101					
1101- City Council					
	Personal Services	$ 138,097.00	$ 146,097.00		$ 146,097.00
	O.T.P.S	$ 53,460.00	$ 53,460.00		$ 53,460.00
	Capital	$ 12,340.00	$ 12,340.00		$ 12,340.00
	Total - 1101 City Council	$ 203,897.00	$ 211,897.00	$ -	$ 211,897.00
2101 - Mayor's Office					
	Personal Services	$ 576,210.00	$ 580,829.00		$ 580,829.00
	O.T.P.S	$ 37,550.00	$ 37,550.00		$ 37,550.00
	Total - 2101 Mayor's Office	$ 613,760.00	$ 618,379.00	$ -	$ 618,379.00
2106- Civil Service					
	Personal Services	$ 2,439.00	$ 2,439.00		$ 2,439.00
	O.T.P.S	$ 33,500.00	$ 33,500.00		$ 33,500.00
	Total - 2106 Civil Service	$ 35,939.00	$ 35,939.00	$ -	$ 35,939.00
2107 - Landmark Commission					
	O.T.P.S	$ 19,750.00	$ 64,750.00		$ 64,750.00
	Capital	$ 7,333.00	$ 7,333.00		$ 7,333.00
	Total - 2107 Landmark Commission	$ 27,083.00	$ 72,083.00	$ -	$ 72,083.00
2108- General Operations					
	Personal Services	$ 6,565,065.00	$ 6,565,065.00		$ 6,565,065.00
	O.T.P.S	$ 1,512,350.00	$ 2,114,251.00	$ -	$ 2,114,251.00
	Total - 2108 General Operations	$ 8,077,415.00	$ 8,679,316.00	$ -	$ 8,679,316.00
2201 - M.I.S.					
	Personal Services	$ 277,199.00	$ 277,199.00		$ 277,199.00
	O.T.P.S	$ 256,395.00	$ 291,711.00		$ 291,711.00
	Total - 2201 MIS	$ 533,594.00	$ 568,910.00	$ -	$ 568,910.00
2501- Community Relations					
	O.T.P.S	$ 10,000.00	$ 10,000.00		$ 10,000.00
	Total - 2501 Community Relations	$ 10,000.00	$ 10,000.00	$ -	$ 10,000.00
2502 - Public Relations					
	Personal Services	$ 331,596.00	$ 331,596.00		$ 331,596.00
	O.T.P.S	$ 91,900.00	$ 91,900.00		$ 91,900.00
	Total - 2502 Public Relations	$ 423,496.00	$ 423,496.00	$ -	$ 423,496.00
3101 - Finance					
	Personal Services	$ 768,236.00	$ 768,236.00		$ 768,236.00
	O.T.P.S	$ 211,245.00	$ 211,245.00		$ 211,245.00
	Other Financing Uses	$ 200.00	$ 200.00		$ 200.00
	Total - 3101 Finance	$ 979,681.00	$ 979,681.00	$ -	$ 979,681.00
3103 - County Auditors Deductions					
	O.T.P.S	$ 250,000.00	$ 250,000.00		$ 250,000.00
	Total - 3103 County Auditors Deductions	$ 250,000.00	$ 250,000.00	$ -	$ 250,000.00
310Z - Operating Transfers					
	Other Financing Uses	$ 2,470,000.00	$ 2,470,000.00		$ 2,470,000.00
	Total - 310Z Operating Transfers	$ 2,470,000.00	$ 2,470,000.00	$ -	$ 2,470,000.00
3201 - Income Tax					
	O.T.P.S	$ 1,215,000.00	$ 1,215,000.00		$ 1,215,000.00
	Total - 3201 Income Tax	$ 1,215,000.00	$ 1,215,000.00	$ -	$ 1,215,000.00
4101 - Law					
	Personal Services	$ 741,020.00	$ 741,020.00		$ 741,020.00
	O.T.P.S	$ 479,750.00	$ 479,750.00		$ 479,750.00
	Total - 4101 Law	$ 1,220,770.00	$ 1,220,770.00	$ -	$ 1,220,770.00
5101 - Planning					
	Personal Services	$ 1,509,513.00	$ 1,528,112.00		$ 1,528,112.00
	O.T.P.S	$ 169,385.00	$ 169,385.00		$ 169,385.00
	Capital	$ 16,533.00	$ 16,533.00		$ 16,533.00
	Total - 5101 Planning	$ 1,695,431.00	$ 1,714,030.00	$ -	$ 1,714,030.00
5102- Planning Commission					
	Personal Services	$ 8,139.00	$ 8,139.00		$ 8,139.00
	Capital	$ 7,334.00	$ 7,334.00		$ 7,334.00
	Total - 5101 Planning Commission	$ 15,473.00	$ 15,473.00	$ -	$ 15,473.00

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CITY OF CLEVELAND HEIGHTS, OHIO
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Department	Object	Original	October's Budget as of as of 10/16/2023 Ord#159-2023	November's Budget Adjustment Ord. #185-2023	Amended Budget
5103 - Board of Zoning Appeals					
	Personal Services	$ 5,899.00	$ 5,899.00		$ 5,899.00
	Capital	$ 7,334.00	$ 7,334.00		$ 7,334.00
	Total - 5103 Bd. Of Zoning Appeals	$ 13,233.00	$ 13,233.00	$ -	$ 13,233.00
5104 - Special Improvement District					
	O.T.P.S	$ 386,372.00	$ 386,372.00	**$ 30,000.00**	**$ 416,372.00**
	Total - 5104 SID	$ 386,372.00	$ 386,372.00	**$ 30,000.00**	**$ 416,372.00**
5106 - Architect Bd of Review					
	Personal Services	$ 11,796.00	$ 11,796.00		$ 11,796.00
	Capital	$ 7,334.00	$ 7,334.00		$ 7,334.00
	Total - 5106 Arch Bd. Of Review	$ 19,130.00	$ 19,130.00	$ -	$ 19,130.00
5602 - SBA Grants					
	O.T.P.S	$ 164,750.00	$ 164,750.00		$ 164,750.00
	Total - 5602 SBA Grants	$ 164,750.00	$ 164,750.00	$ -	$ 164,750.00
6201 - Service Administration					
	Personal Services	$ 364,580.00	$ 372,149.00		$ 372,149.00
	O.T.P.S	$ 7,590.00	$ 7,590.00		$ 7,590.00
	Capital	$ 310.00	$ 310.00		$ 310.00
	Total - 6201 Service Admin	$ 372,480.00	$ 380,049.00	$ -	$ 380,049.00
6202 Capital Projects Admin					
	O.T.P.S	$ 23,000.00	$ 23,000.00		$ 23,000.00
	Total - 6202 Cap Proj Admin	$ 23,000.00	$ 23,000.00	$ -	$ 23,000.00
6207 - Vehicle Maintenance					
	Personal Services	$ 918,884.00	$ 918,884.00		$ 918,884.00
	O.T.P.S	$ 1,593,196.00	$ 1,613,196.00		$ 1,613,196.00
	Capital	$ 20,240.00	$ 20,240.00		$ 20,240.00
	Total - 6207 Vehicle Maintenance	$ 2,532,320.00	$ 2,552,320.00	$ -	$ 2,552,320.00
6208 - Sewer Maintenance					
	Personal Services	$ 1,445,806.00	$ 1,445,806.00		$ 1,445,806.00
	O.T.P.S	$ 343,985.00	$ 343,985.00		$ 343,985.00
	Capital	$ 4,200.00	$ 4,200.00		$ 4,200.00
	Total - 6208 Sewer Maintenance	$ 1,793,991.00	$ 1,793,991.00	$ -	$ 1,793,991.00
6211 - Traffic Signs & Signals					
	Personal Services	$ 65,689.00	$ 65,689.00		$ 65,689.00
	O.T.P.S	$ 149,815.00	$ 149,815.00		$ 149,815.00
	Total - 6211 Traffics Signs Signals	$ 215,504.00	$ 215,504.00	$ -	$ 215,504.00
7201 - Police Administration					
	Personal Services	$ 9,405,357.00	$ 9,405,357.00		$ 9,405,357.00
	O.T.P.S	$ 731,650.00	$ 731,650.00		$ 731,650.00
	Capital	$ 24,750.00	$ 24,750.00		$ 24,750.00
	Other Financing Uses	$ 1,250,000.00	$ 1,250,000.00		$ 1,250,000.00
	Total - 3101 Finance	$ 11,411,757.00	$ 11,411,757.00	$ -	$ 11,411,757.00
7202 - Police Academy					
	Personal Services	$ 92,428.00	$ 92,428.00		$ 92,428.00
	O.T.P.S	$ 69,175.00	$ 69,175.00		$ 69,175.00
	Total - 7202 Police Academy	$ 161,603.00	$ 161,603.00	$ -	$ 161,603.00
7301 - Fire Administration					
	Personal Services	$ 7,192,587.00	$ 7,192,587.00		$ 7,192,587.00
	O.T.P.S	$ 312,842.00	$ 312,842.00		$ 312,842.00
	Other Financing Uses	$ 1,525,000.00	$ 1,525,000.00		$ 1,525,000.00
	Total - 7301 Fire Admin	$ 9,030,429.00	$ 9,030,429.00	$ -	$ 9,030,429.00
7302 - Joint Dispatch					
	O.T.P.S	$ 1,676,668.00	$ 1,676,668.00		$ 1,676,668.00
	Total - 7302 Joint Dispatch	$ 1,676,668.00	$ 1,676,668.00	$ -	$ 1,676,668.00
7303 - Fire Prevention					
	Personal Services	$ 101,556.00	$ 101,556.00		$ 101,556.00
	O.T.P.S	$ 21,949.00	$ 21,949.00		$ 21,949.00
	Capital	$ 1,000.00	$ 1,000.00		$ 1,000.00
	Total - 7303 Fire Prevention	$ 124,505.00	$ 124,505.00	$ -	$ 124,505.00
7401 - Building Services					
	O.T.P.S	$ 1,012,000.00	$ 1,412,000.00		$ 1,412,000.00
	Other Financing Uses	$ -	$ 70,000.00		$ 70,000.00
	Total - 7401 Building Services	$ 1,012,000.00	$ 1,482,000.00	$ -	$ 1,482,000.00

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Department	Object	Original	October's Budget as of as of 10/16/2023 Ord#159-2023	November's Budget Adjustment Ord. #185-2023	Amended Budget
7402 - Housing Inspections					
	Personal Services	$ 12,278.00	$ 12,278.00		$ 12,278.00
	O.T.P.S	$ 117,025.00	$ 117,025.00		$ 117,025.00
	Capital	$ 2,500.00	$ 2,500.00		$ 2,500.00
	Total - 7402 Housing Inspections	$ 131,803.00	$ 131,803.00	$ -	$ 131,803.00
8101 - Community Services Admin					
	O.T.P.S	$ 4,620.00	$ 4,620.00		$ 4,620.00
	Total - 8101 Comm Serv Admin	$ 4,620.00	$ 4,620.00	$ -	$ 4,620.00
8201 - Public Prop/Park Maint					
	Personal Services	$ 1,138,204.00	$ 1,138,204.00		$ 1,138,204.00
	O.T.P.S	$ 1,000,990.00	$ 1,028,042.00		$ 1,028,042.00
	Total - 8201 Public Prop Maint	$ 2,139,194.00	$ 2,166,246.00	$ -	$ 2,166,246.00
8401 - Parks & Rec Admin					
	Personal Services	$ 329,921.00	$ 355,727.00		$ 355,727.00
	O.T.P.S	$ 31,185.00	$ 40,185.00		$ 40,185.00
	Total - 8401 Parks & Rec Admin	$ 361,106.00	$ 395,912.00	$ -	$ 395,912.00
8403 - Swimming Pools					
	Personal Services	$ 250,540.00	$ 250,540.00		$ 250,540.00
	O.T.P.S	$ 168,139.00	$ 168,139.00		$ 168,139.00
	Total - 8403 Swimming Pools	$ 418,679.00	$ 418,679.00	$ -	$ 418,679.00
8405 - Ice Programs					
	Personal Services	$ 173,175.00	$ 173,175.00		$ 173,175.00
	O.T.P.S	$ 20,702.00	$ 20,702.00		$ 20,702.00
	Total - 8405 Ice Programs	$ 193,877.00	$ 193,877.00	$ -	$ 193,877.00
8406 - General Recreation Prog					
	Personal Services	$ 118,337.00	$ 118,337.00		$ 118,337.00
	O.T.P.S	$ 49,760.00	$ 49,760.00		$ 49,760.00
	Capital	$ 200.00	$ 200.00		$ 200.00
	Total - 8406 General Rec Prog	$ 168,297.00	$ 168,297.00	$ -	$ 168,297.00
8409 - Sports Programs					
	Personal Services	$ 126,995.00	$ 126,995.00		$ 126,995.00
	O.T.P.S	$ 70,571.00	$ 70,571.00		$ 70,571.00
	Other Financing Uses	$ 200.00	$ 200.00		$ 200.00
	Total - 8409 Sports Programs	$ 197,766.00	$ 197,766.00	$ -	$ 197,766.00
8411 - Comm Center Admin					
	Personal Services	$ 662,325.00	$ 673,873.00		$ 673,873.00
	O.T.P.S	$ 351,311.00	$ 411,311.00		$ 411,311.00
	Other Financing Uses	$ 1,400.00	$ 1,400.00		$ 1,400.00
	Total - 8411 Comm Center Admin	$ 1,015,036.00	$ 1,086,584.00	$ -	$ 1,086,584.00
8501 - Office on Aging Admin					
	Personal Services	$ 134,377.00	$ 134,377.00		$ 134,377.00
	O.T.P.S	$ 20,287.00	$ 20,287.00		$ 20,287.00
	Other Financing Uses	$ 210.00	$ 210.00		$ 210.00
	Total - 8501 Office on Aging	$ 154,874.00	$ 154,874.00	$ -	$ 154,874.00
8601 - Public Health Admin					
	O.T.P.S	$ 300,000.00	$ 300,000.00		$ 300,000.00
	Total - 8601 Public Health Admin	$ 300,000.00	$ 300,000.00	$ -	$ 300,000.00
8701 - Animal Protection					
	O.T.P.S	$ 28,526.00	$ 28,526.00		$ 28,526.00
	Total - 8701 Animal Protection	$ 28,526.00	$ 28,526.00	$ -	$ 28,526.00
9101 - Municipal Court					
	Personal Services	$ 1,082,261.00	$ 1,082,261.00		$ 1,082,261.00
	O.T.P.S	$ 172,550.00	$ 172,550.00		$ 172,550.00
	Total - 9101 Municipal Court	$ 1,254,811.00	$ 1,254,811.00	$ -	$ 1,254,811.00
Total Fund 101 - General Fund Budget		**$ 53,077,870.00**	**$ 54,422,280.00**	**$ 30,000.00**	**$ 54,452,280.00**

That there be appropriated from the <u>SCM&R FUND, FUND NO. 201</u>

6201 - Service Administration			$ -		$ -
	Personal Services	$ 55,777.00	$ 58,553.00		$ 58,553.00
	Total - 6201 Service Admin	$ 55,777.00	$ 58,553.00	$ -	$ 58,553.00

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Department	Object	Original	October's Budget as of as of 10/16/2023 Ord#159-2023	November's Budget Adjustment Ord. #185-2023	Amended Budget
6208 - Sewer Maintenance			$ -		$ -
	Personal Services	$ 128,103.00	$ 128,103.00		$ 128,103.00
	Total - 6208 Sewer Maintenance	$ 128,103.00	$ 128,103.00	$ -	$ 128,103.00
6213 - Monticello Blvd			$ -		$ -
	O.T.P.S	$ 37,802.00	$ 37,802.00		$ 37,802.00
	Total - 6211 Traffics Signs Signals	$ 37,802.00	$ 37,802.00	$ -	$ 37,802.00
6215 - Road Repaving			$ -		$ -
	O.T.P.S	$ 20,480.00	$ 20,480.00		$ 20,480.00
	Total - 6215 Road Repaving	$ 20,480.00	$ 20,480.00	$ -	$ 20,480.00
6220 - Taylor Road			$ -		$ -
	O.T.P.S	$ 63,799.00	$ 63,799.00		$ 63,799.00
	Total - 6220 Taylor Road	$ 63,799.00	$ 63,799.00	$ -	$ 63,799.00
6236 - Annual Street Surface			$ -		$ -
	Capital	$ 2,300,000.00	$ 2,740,000.00	$ -	$ 2,740,000.00
	Total - 6236 Street Surface	$ 2,300,000.00	$ 2,740,000.00	$ -	$ 2,740,000.00
6312 - Meadowbrook Blvd. Rehab			$ -		$ -
	O.T.P.S	$ 118,922.00	$ 118,922.00		$ 118,922.00
	Total - 6220 Taylor Road	$ 118,922.00	$ 118,922.00	$ -	$ 118,922.00
Total Fund 201 - SCM&R Budget		**$ 2,724,883.00**	**$ 3,167,659.00**	**$ -**	**$ 3,167,659.00**
That there be appropriated from the LAW ENFORCEMENT FUND, FUND NO. 206					
7201 - Police Admin			$ -		$ -
	O.T.P.S	$ -	$ 5,316.00		$ 5,316.00
	Capital	$ -	$ 50,000.00		$ 50,000.00
	Total - 7205 Law Enforcement	$ -	$ 55,316.00	$ -	$ 55,316.00
7205 - Law Enforcement			$ -		$ -
	O.T.P.S	$ 88,800.00	$ 88,800.00		$ 88,800.00
	Total - 7205 Law Enforcement	$ 88,800.00	$ 88,800.00	$ -	$ 88,800.00
7210 - Law Enforcement Grant			$ -		$ -
	Personal Services		$ 457,713.00		$ 457,713.00
	O.T.P.S		$ 11,193.00		$ 11,193.00
	Capital		$ 52,998.00		$ 52,998.00
	Total - 7210 Law Enforcement Grant	$ -	$ 521,904.00	$ -	$ 521,904.00
Total Fund 206 - Law Enforcement Budget		**$ 88,800.00**	**$ 666,020.00**	**$ -**	**$ 666,020.00**
That there be appropriated from the DRUG LAW ENFORCEMENT FUND, FUND NO. 207					
7206 - Drug Law Enforcement					
	Personal Services	$ 65,943.00	$ 65,943.00		$ 65,943.00
	O.T.P.S	$ 98,750.00	$ 98,750.00		$ 98,750.00
	Total - 7206 Drug Law Enforcement	$ 164,693.00	$ 164,693.00	$ -	$ 164,693.00
Total Fund 207 - Drug Law Enforcement Budget		**$ 164,693.00**	**$ 164,693.00**	**$ -**	**$ 164,693.00**
That there be appropriated from the C.D.B.G RESOURCES FUND, FUND NO. 208					
5201 - CDBG Financial Admin					
	Personal Services	$ 13,852.00	$ 13,852.00		$ 13,852.00
	Total - 5201 CDBG Financial Admin	$ 13,852.00	$ 13,852.00	$ -	$ 13,852.00
5203 - CDBG Admin Contracts					
	O.T.P.S	$ 404,075.00	$ 635,028.00		$ 635,028.00
	Total - 5203 CDBG Admin Contracts	$ 404,075.00	$ 635,028.00	$ -	$ 635,028.00
5211 - CDBG Comm. Area Improve.					
	Capital	$ 181,531.00	$ 62,795.00		$ 62,795.00
	Total - 5211 Comm. Area Improve.	$ 181,531.00	$ 62,795.00	$ -	$ 62,795.00
5220 - CDBG Office on Aging					
	Personal Services	$ 39,143.00	$ 39,143.00		$ 39,143.00
	Total - 5201 CDBG Admin	$ 39,143.00	$ 39,143.00	$ -	$ 39,143.00
5222 - Economic Development					
	Personal Services	$ 67,619.00	$ 67,619.00		$ 67,619.00
	O.T.P.S	$ 1,352,000.00	$ 1,306,909.00		$ 1,306,909.00
	Capital	$ 1,200.00	$ -		$ -
	Total - 5222 Economic Development	$ 1,420,819.00	$ 1,374,528.00	$ -	$ 1,374,528.00

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5224- - CDBG Admin					
	Personal Services	$ 128,170.00	$ 129,574.00		$ 129,574.00
	O.T.P.S	$ 124,900.00	$ 112,158.00		$ 112,158.00
	Capital	$ 4,500.00	$ 4,500.00		$ 4,500.00
	Total - 5224 CDBG Admin	$ 257,570.00	$ 246,232.00	$ -	$ 246,232.00
5228 - CDBG Public Works					
	O.T.P.S	$ 200,000.00	$ -		$ -
	Capital	$ -	$ 564,653.00		$ 564,653.00
	Total - 5228 - Public Works	$ 200,000.00	$ 564,653.00	$ -	$ 564,653.00
5301 - CDBG Home Repair Resource					
	O.T.P.S	$ 207,845.00	$ 359,376.00		$ 359,376.00
	Total - 5301 CDBG Home Repair	$ 207,845.00	$ 359,376.00	$ -	$ 359,376.00
5303 - CDBG Housing Pres Office					
	Personal Services	$ 417,923.00	$ 417,923.00		$ 417,923.00
	O.T.P.S	$ 305,000.00	$ 760,013.00		$ 760,013.00
	Capital	$ 2,000.00	$ 2,000.00		$ 2,000.00
	Total - 5303 CDBG Housing Pres Office	$ 724,923.00	$ 1,179,936.00	$ -	$ 1,179,936.00
5304 - CDBG Code Enforce					
	Personal Services	$ 69,513.00	$ 69,513.00		$ 69,513.00
	O.T.P.S	$ -	$ -		$ -
	Total - 5304 CDBG Code Enforce	$ 69,513.00	$ 69,513.00	$ -	$ 69,513.00
5309 - GIS					
	Personal Services	$ 98,165.00	$ 98,165.00		$ 98,165.00
	O.T.P.S	$ 5,000.00	$ 900.00		$ 900.00
	Capital	$ 6,500.00	$ 6,500.00		$ 6,500.00
	Total - 5309 GIS	$ 109,665.00	$ 105,565.00	$ -	$ 105,565.00
8407 - Child Care					
	O.T.P.S	$ 15,000.00	$ 17,653.00		$ 17,653.00
	Total - 8407 Child Care	$ 15,000.00	$ 17,653.00	$ -	$ 17,653.00
Total Fund 208 - CDBG Budget		**$ 3,643,936.00**	**$ 4,668,274.00**	**$ -**	**$ 4,668,274.00**
That there be appropriated from the HOME PROGRAM FUND, FUND NO. 211					
5503 - Home Admin					
	O.T.P.S	$ 400,000.00	$ 400,000.00		$ 400,000.00
	Total - 5503 Home Admin	$ 400,000.00	$ 400,000.00	$ -	$ 400,000.00
5505 - Home Program Income					
	O.T.P.S	$ 122,000.00	$ 154,447.00		$ 154,447.00
	Total - 5505 Home Program Income	$ 122,000.00	$ 154,447.00	$ -	$ 154,447.00
Total Fund 211 - Home Program Budget		**$ 522,000.00**	**$ 554,447.00**	**$ -**	**$ 554,447.00**
That there be appropriated from the FEMA GRANT FUND, FUND NO. 212					
7301 - Fire Admin					
	O.T.P.S		$ 9,277.00		$ 9,277.00
	Total - 7301 Fire Admin	$ -	$ 9,277.00	$ -	$ 9,277.00
7801 - Assistance to Firefighter					
	O.T.P.S	$ -	$ 29,091.00		$ 29,091.00
	Total - 7801 Assistance to Firefighter	$ -	$ 29,091.00	$ -	$ 29,091.00
Total Fund 212 FEMA Grant		**$ -**	**$ 38,368.00**	**$ -**	**$ 38,368.00**
That there be appropriated from the POLICE FACILTY IMPR. FUND, FUND NO. 213					
7201 - Police Admin					
	O.T.P.S	$ 25,000.00	$ 25,000.00		$ 25,000.00
	Capital	$ -	$ -		$ -
	Total - 7201 Police Admin	$ 25,000.00	$ 25,000.00	$ -	$ 25,000.00
Total Fund 213 - Police Facilty Budget		**$ 25,000.00**	**$ 25,000.00**	**$ -**	**$ 25,000.00**
That there be appropriated from the LOCAL PROGRAMMING FUND, FUND NO. 214					
2108 - General Operations					
	O.T.P.S	$ 74,086.00	$ 74,086.00		$ 74,086.00
	Total - 2108 General Operations	$ 74,086.00	$ 74,086.00	$ -	$ 74,086.00

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Department	Object	Original	October's Budget as of as of 10/16/2023 Ord#159-2023	November's Budget Adjustment Ord. #185-2023	Amended Budget
2201 - MIS					
	Capital	$ 25,000.00	$ 25,000.00		$ 25,000.00
	Total - 2201 MIS	$ 25,000.00	$ 25,000.00	$ -	$ 25,000.00
2502 - Public Relations					
	Personal Services	$ 149,157.00	$ 149,157.00		$ 149,157.00
	Total - 2502 Public Relations	$ 149,157.00	$ 149,157.00	$ -	$ 149,157.00
2601 - Cable TV Admin					
	Personal Services	$ 27,000.00	$ 27,000.00		$ 27,000.00
	O.T.P.S	$ 182,400.00	$ 182,400.00		$ 182,400.00
	Capital	$ 70,000.00	$ 70,000.00		$ 70,000.00
	Total - 2601 Cable TV Admin	$ 279,400.00	$ 279,400.00	$ -	$ 279,400.00
Total Fund 214 - Local Programming Budget		**$ 527,643.00**	**$ 527,643.00**	**$ -**	**$ 527,643.00**
That there be appropriated from the CAIN PARK OPERATING FUND, FUND NO. 215					
8408 - Ohio Arts Council					
	Personal Services	$ -	$ -		$ -
	O.T.P.S	$ -	$ 106,565.00		$ 106,565.00
	Total - 8408 - Ohio Arts Council	$ -	$ 106,565.00	$ -	$ 106,565.00
8901 - Cain Park Admin					
	Personal Services	$ 248,126.00	$ 96,426.00		$ 96,426.00
	O.T.P.S	$ 1,079,450.00	$ 1,231,150.00		$ 1,231,150.00
	Total - 8901 Cain Park Admin	$ 1,327,576.00	$ 1,327,576.00	$ -	$ 1,327,576.00
8905 - Arts Festival					
	O.T.P.S	$ 27,600.00	$ 27,600.00		$ 27,600.00
	Total - 8905 Arts Festival	$ 27,600.00	$ 27,600.00	$ -	$ 27,600.00
8906 - Theater					
	O.T.P.S	$ 151,295.00	$ 151,295.00		$ 151,295.00
	Total - 8906 Theater	$ 151,295.00	$ 151,295.00	$ -	$ 151,295.00
Total Fund 215 - Cain Park Budget		**$ 1,506,471.00**	**$ 1,613,036.00**	**$ -**	**$ 1,613,036.00**
That there be appropriated from the REC FACILITY IMPR. FUND, FUND NO. 216					
3101 - Finance					
	Other Financing Sources	$ 23,295.00	$ 23,295.00		$ 23,295.00
	Total - 3101 - Finance	$ 23,295.00	$ 23,295.00	$ -	$ 23,295.00
8301 - Park Maint. Admin					
	O.T.P.S	$ 167,000.00	$ 167,000.00		$ 167,000.00
	Capital	$ 685,000.00	$ 685,000.00		$ 685,000.00
	Total - 8301 Park Maint. Admin	$ 852,000.00	$ 852,000.00	$ -	$ 852,000.00
Total Fund 216 - Rec Facility Budget		**$ 875,295.00**	**$ 875,295.00**	**$ -**	**$ 875,295.00**
That there be appropriated from the INDIGENT DUI TREATMENT FUND, FUND NO. 221					
9101 - Municipal Court					
	O.T.P.S	$ 40,000.00	$ 40,000.00		$ 40,000.00
	Total - 9101 - Municipal Court	$ 40,000.00	$ 40,000.00	$ -	$ 40,000.00
Total Fund 221 - Indigent DUI Treatment		**$ 40,000.00**	**$ 40,000.00**	**$ -**	**$ 40,000.00**
That there be appropriated from the MUNI COURT - COMPUTERIZATION FUND, FUND NO. 222					
9101 - Municipal Court					
	Personal Services	$ 10,191.00	$ 10,191.00		$ 10,191.00
	O.T.P.S	$ 30,000.00	$ 30,000.00		$ 30,000.00
	Capital	$ 20,000.00	$ 20,000.00		$ 20,000.00
	Total - 9101 - Municipal Court	$ 60,191.00	$ 60,191.00	$ -	$ 60,191.00
Total Fund 222 - Muni Ct - Computerization		**$ 60,191.00**	**$ 60,191.00**	**$ -**	**$ 60,191.00**
That there be appropriated from the MUNI COURT SPECIAL PROJECTS FUND, FUND NO. 225					
9101 - Municipal Court					
	Personal Services	$ 14,008.00	$ 14,008.00		$ 14,008.00
	O.T.P.S	$ 35,500.00	$ 35,500.00		$ 35,500.00
	Capital	$ 75,000.00	$ 75,000.00		$ 75,000.00
	Total - 9101 - Municipal Court	$ 124,508.00	$ 124,508.00	$ -	$ 124,508.00
Total Fund 225 - Muni Ct Special Projects		**$ 124,508.00**	**$ 124,508.00**	**$ -**	**$ 124,508.00**

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That there be appropriated from the LEAD SAFE CUYAHOGA FUND, FUND NO. 226					
5303 - CDBG Pres Office					
	O.T.P.S	$ 789,585.00	$ 989,585.00		$ 989,585.00
	Total - 5303 CDBG Housing Pres Office	$ 789,585.00	$ 989,585.00	$ -	$ 989,585.00
Total Fund 226 - Lead Safe Cuyahoga Budget		**$ 789,585.00**	**$ 989,585.00**	**$ -**	**$ 989,585.00**
That there be appropriated from the C.D.B.G. - COVID FUND, FUND NO. 228					
5203- CDBG Admin Contracts					
	O.T.P.S.	$ 193,035.00	$ 193,039.00		$ 193,039.00
	Total - 5203 Admin Contract	$ 193,035.00	$ 193,039.00	$ -	$ 193,039.00
5220 - CDBG Office on Aging			$ -		$ -
	O.T.P.S.	$ 50,000.00	$ 50,000.00		$ 50,000.00
	Total - 5220 CDBG Office on Aging	$ 50,000.00	$ 50,000.00	$ -	$ 50,000.00
5222 - Economic Development					
	O.T.P.S	$ 290,000.00	$ 290,000.00		$ 290,000.00
	Total - 5222 Economic Development	$ 290,000.00	$ 290,000.00	$ -	$ 290,000.00
5224- - CDBG Admin					
	O.T.P.S	$ 29,000.00	$ 29,000.00		$ 29,000.00
	Total - 5224 CDBG Admin	$ 29,000.00	$ 29,000.00	$ -	$ 29,000.00
Total Fund 228 - CDBG Covid Budget		**$ 562,035.00**	**$ 562,039.00**	**$ -**	**$ 562,039.00**
That there be appropriated from the STREET LIGHTING FUND, FUND NO. 230					
3101 - Finance					
	O.T.P.S	$ 10,500.00	$ 10,500.00		$ 10,500.00
	Total - 3101 Finance	$ 10,500.00	$ 10,500.00	$ -	$ 10,500.00
6211 - Traffic Signals & Lights					
	O.T.P.S	$ 681,000.00	$ 681,000.00		$ 681,000.00
	Total - 8301 Park Maint. Admin	$ 681,000.00	$ 681,000.00	$ -	$ 681,000.00
Total Fund 230 - Street Lighting Budget		**$ 691,500.00**	**$ 691,500.00**	**$ -**	**$ 691,500.00**
That there be appropriated from the TREE FUND, FUND NO. 231					
310Z - Operating Transfers					
	Other Financing Uses	$ 17,455.00	$ 17,455.00		$ 17,455.00
	Total - 8301 Park Maint. Admin	$ 17,455.00	$ 17,455.00	$ -	$ 17,455.00
8801 - Forestry					
	Personal Services	$ 825,792.00	$ 825,792.00		$ 825,792.00
	O.T.P.S	$ 375,554.00	$ 375,554.00		$ 375,554.00
	Capital	$ 2,000.00	$ 2,000.00		$ 2,000.00
	Total - 8801 Forestry	$ 1,203,346.00	$ 1,203,346.00	$ -	$ 1,203,346.00
Total Fund 231 - Tree Budget		**$ 1,220,801.00**	**$ 1,220,801.00**	**$ -**	**$ 1,220,801.00**
That there be appropriated from the POLICE PENSION FUND, FUND NO. 232					
7201 - Police Pension					
	Personal Services	$ 1,512,244.00	$ 1,576,244.00		$ 1,576,244.00
	Total 7201 - Police Pension	$ 1,512,244.00	$ 1,576,244.00	$ -	$ 1,576,244.00
Total Fund 232 - Police Pension Budget		**$ 1,512,244.00**	**$ 1,576,244.00**	**$ -**	**$ 1,576,244.00**
That there be appropriated from the FIRE PENSION FUND, FUND NO. 233					
7301 - Fire Pension					
	Personal Services	$ 1,764,663.00	$ 1,764,663.00		$ 1,764,663.00
	Total 7301 - Fire Pension	$ 1,764,663.00	$ 1,764,663.00	$ -	$ 1,764,663.00
Total Fund 232 - Fire Pension Budget		**$ 1,764,663.00**	**$ 1,764,663.00**	**$ -**	**$ 1,764,663.00**
That there be appropriated from the EARNED BENEFITS FUND, FUND NO. 234					
2108 - General Operations					
	Personal Services	$ 400,000.00	$ 400,000.00		$ 400,000.00
	Total 7301 - Fire Pension	$ 400,000.00	$ 400,000.00	$ -	$ 400,000.00
Total Fund 234 - Earned Benefits Budget		**$ 400,000.00**	**$ 400,000.00**	**$ -**	**$ 400,000.00**

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That there be appropriated from the FEDERAL MISCELLANEUOS GRANT FUND, FUND NO. 240					
5101 - Planning					
	O.T.P.S.	$ 200,000.00	$ 200,000.00		$ 200,000.00
	Total - 5101 Planning	$ 200,000.00	$ 200,000.00	$ -	$ 200,000.00
7201- Police Admin					
	Personal Services	$ -	$ 20,000.00	**$** -	$ 20,000.00
	Total - 7201 Police Admin	$ -	$ 20,000.00	**$** -	$ 20,000.00
Total Fund 240 - Fed Misc Grants		**$ 200,000.00**	**$ 220,000.00**	**$ -**	**$ 220,000.00**
That there be appropriated from the LOCAL FISCAL RECOVERY FUND, FUND NO. 241					
2108 - General Operations					
	O.T.P.S	$ 19,000,000.00	$ 17,177,495.00		$ 17,177,495.00
	Total - 2108 - General Operations	$ 19,000,000.00	$ 17,177,495.00	$ -	$ 17,177,495.00
2201 - MIS					
	Capital	$ 400,000.00	$ 400,000.00		$ 400,000.00
	Total - 2201 MIS	$ 400,000.00	$ 400,000.00	$ -	$ 400,000.00
6205 - Sewer Maint					
	Capital	$ 6,800,000.00	$ 6,800,000.00		$ 6,800,000.00
	Total - 6205 Sewer Maint	$ 6,800,000.00	$ 6,800,000.00	$ -	$ 6,800,000.00
7201 - Police Admin					
	Capital	$ 200,000.00	$ 200,000.00		$ 200,000.00
	Total - 7201 Police Admin	$ 200,000.00	$ 200,000.00	$ -	$ 200,000.00
7301 - Fire Admin					
	Capital	$ 340,000.00	$ 362,505.00	**$ 379,713.00**	**$ 742,218.00**
	Total 7301 Fire Ad,in	$ 340,000.00	$ 362,505.00	**$ 379,713.00**	**$ 742,218.00**
8411 - Comm Center Admin					
	Capital	$ -	$ 1,800,000.00		$ 1,800,000.00
	Total - 8411 Comm Center Admin	$ -	$ 1,800,000.00	$ -	$ 1,800,000.00
Total Fund 241 - Local Fiscal Recovery Budget		**$ 26,740,000.00**	**$ 26,740,000.00**	**$ 379,713.00**	**$ 27,119,713.00**
That there be appropriated from the NOPEC FUND, FUND NO. 244					
2108 - General Operations					
	O.T.P.S	$ -	$ 28,500.00		$ 28,500.00
	Total - 2108 - General Operations	$ -	$ 28,500.00	$ -	$ 28,500.00
7201 - Polce Admin					
	Capital	$ -	$ 41,000.00	$ -	$ 41,000.00
	Total 7201 Police Admin	$ -	$ 41,000.00	$ -	$ 41,000.00
7301 - Fire Admin					
	Capital	$ -	$ 105,000.00	$ -	$ 105,000.00
	Total 7301 Fire Admin	$ -	$ 105,000.00	$ -	$ 105,000.00
8401 - Parks&Rec					
	Capital	$ -	$ 60,000.00	$ -	$ 60,000.00
	Total 8401 Parks & Rec	$ -	$ 60,000.00	$ -	$ 60,000.00
Total Fund 241 - Local Fiscal Recovery Budget		**$ -**	**$ 234,500.00**	**$ -**	**$ 234,500.00**
That there be appropriated from the TOP-OF-THE-HILL TIF FUND, FUND NO. 260					
3101 - Finance					
	O.T.P.S.	$ -	**$ 516,964.00**		**$ 516,964.00**
	Total - 3101 Finance	$ -	$ 516,964.00	$ -	$ 516,964.00
Total Fund 261 - Cedar Lee & Meadowbrook TIF Budget		**$ -**	**$ 516,964.00**	**$ -**	**$ 516,964.00**
That there be appropriated from the CEDAR LEE & MEADOWBROOK TIF FUND, FUND NO. 261					
3101 - Finance					
	O.T.P.S.	$ -	$ 10,182,969.00		$ 10,182,969.00
	Total - 3101 Finance	$ -	$ 10,182,969.00	$ -	$ 10,182,969.00
Total Fund 261 - Cedar Lee & Meadowbrook TIF Budget		**$ -**	**$ 10,182,969.00**	**$ -**	**$ 10,182,969.00**

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That there be appropriated from the G.O. BOND RETIREMENT FUND, FUND NO. 301					
3101 - Finance					
	O.T.P.S.	$ 1,580,114.00	$ 1,580,114.00		$ 1,580,114.00
	Total - 3101 Finance	$ 1,580,114.00	$ 1,580,114.00	$ -	$ 1,580,114.00
Total Fund 301 - GO Bond Retirement Budget		**$ 1,580,114.00**	**$ 1,580,114.00**	**$ -**	**$ 1,580,114.00**
That there be appropriated from the FINANCED CAPITAL PROJECTS FUND, FUND NO. 402					
2108 - General Operations					
	Capital	$ -	$ 150,000.00		$ 150,000.00
	Total - 2108 - General Operations	$ -	$ 150,000.00	$ -	$ 150,000.00
2101 - Mayor					
	Capital	$ -	**$ 39,471.00**		$ 39,471.00
	Total - 2201 Mayor	$ -	$ 39,471.00	$ -	$ 39,471.00
2201 - Management Info Serv.					
	Capital	$ 522,000.00	$ 522,000.00		$ 522,000.00
	Total - 2201 Management Info Services	$ 522,000.00	$ 522,000.00	$ -	$ 522,000.00
5101 - Planning					
	Capital	$ 350,000.00	**$ 418,328.00**		$ 418,328.00
	Total 5101 Planning	$ 350,000.00	$ 418,328.00	$ -	$ 418,328.00
6201 - DPW					
	Capital	$ 420,000.00	$ 1,251,835.00		$ 1,251,835.00
	Total - 6201 DPW	$ 420,000.00	$ 1,251,835.00	$ -	$ 1,251,835.00
7201 - Police Admin					
	Capital	$ 40,000.00	**$ 47,110.00**		$ 47,110.00
	Total 7201 Police Admin	$ 40,000.00	$ 47,110.00	$ -	$ 47,110.00
8201 - Public Property					
	Capital	$ 235,000.00	$ 522,000.00	**$ 52,400.00**	**$ 574,400.00**
	Total - 8201 Public Property	$ 235,000.00	$ 522,000.00	**$ 52,400.00**	**$ 574,400.00**
Total Fund 402 - Finance Capital Projects Budget		**$ 1,567,000.00**	**$ 2,950,744.00**	**$ 52,400.00**	**$ 3,003,144.00**
That there be appropriated from the ECONOMIC DEVELOPMENT FUND, FUND NO. 411					
5101 - Planning					
	O.T.P.S.	$ 312,000.00	$ 312,000.00		$ 312,000.00
	Capital	$ 7,334.00	$ 7,334.00		$ 7,334.00
	Total - 5101 Planning	$ 319,334.00	$ 319,334.00	$ -	$ 319,334.00
Total Fund 411 - Economic Development Budget		**$ 319,334.00**	**$ 319,334.00**	**$ -**	**$ 319,334.00**
That there be appropriated from the CITY HALL MAINT. & REPAIR FUND, FUND NO. 412					
2102 - City Hall Maint Repair					
	O.T.P.S.	$ 15,000.00	$ 15,000.00		$ 15,000.00
	Total - 2102 City Hall Maint	$ 15,000.00	$ 15,000.00	$ -	$ 15,000.00
Total Fund 412 - City Hall Maint & Repair Budget		**$ 15,000.00**	**$ 15,000.00**	**$ -**	**$ 15,000.00**
That there be appropriated from the REFUSE CAPITAL FUND, FUND NO. 416					
6203 - Refuse Collect					
	Capital	$ 380,000.00	$ 380,000.00		$ 380,000.00
	Total - 6203 Refuse Collect	$ 380,000.00	$ 380,000.00	$ -	$ 380,000.00
Total Fund 416 - Refuse Capital Budget		**$ 380,000.00**	**$ 380,000.00**	**$ -**	**$ 380,000.00**
That there be appropriated from the WATER ADMINISTRATION FUND, FUND NO. 601					
6301 - Water Admin					
	O.T.P.S.	$ 500.00	$ 500.00		$ 500.00
	Total - 6301 - Water Admin	$ 500.00	$ 500.00	$ -	$ 500.00
6302 - Water Distribution					
	O.T.P.S.	$ -	$ -		$ -
	Capital	$ 1,305,500.00	$ 1,305,500.00		$ 1,305,500.00
	Total - 6302 - Water Distrib	$ 1,305,500.00	$ 1,305,500.00	$ -	$ 1,305,500.00

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6314 - Runnymede					
	O.T.P.S.	$ 20,207.00	$ 20,207.00		$ 20,207.00
	Total - 6314 - Runnmede	$ 20,207.00	$ 20,207.00	$ -	$ 20,207.00
6326 - Cedar Water					
	O.T.P.S.	$ 47,044.00	$ 47,044.00		$ 47,044.00
	Total - 6326 Cedar Water	$ 47,044.00	$ 47,044.00	$ -	$ 47,044.00
Total Fund 601 - Water Administration Budget		**$ 1,373,251.00**	**$ 1,373,251.00**	**$ -**	**$ 1,373,251.00**
That there be appropriated from the SEWERAGE FUND, FUND NO. 602					
6205 - Sewer Maint					
	Personal Services	$ 1,498,645.00	$ 1,499,402.00		$ 1,499,402.00
	O.T.P.S.	$ 946,150.00	$ 946,150.00		$ 946,150.00
	Capital	$ 5,151,041.00	$ 5,151,041.00		$ 5,151,041.00
	Other Financing Sources	$ 12,000.00	$ 12,000.00		$ 12,000.00
	Total - 6205 - Sewer Maint	$ 7,607,836.00	$ 7,608,593.00	$ -	$ 7,608,593.00
6301 - Water Admin					
	O.T.P.S.	$ 8,000.00	$ 8,000.00		$ 8,000.00
	Total - 6301 - Water Admin	$ 8,000.00	$ 8,000.00	$ -	$ 8,000.00
6312 - Meadowbrook					
	O.T.P.S.	$ 8,522.00	$ 8,522.00		$ 8,522.00
	Total - 6312 - Meadowbrook	$ 8,522.00	$ 8,522.00	$ -	$ 8,522.00
6326 - Cedar Water					
	O.T.P.S.	$ 4,267.00	$ 4,267.00		$ 4,267.00
	Total - 6326 Cedar Water	$ 4,267.00	$ 4,267.00	$ -	$ 4,267.00
6327 - Demmington Sewer					
	O.T.P.S.	$ 38,240.00	$ 38,240.00		$ 38,240.00
	Total - 6327 Demington	$ 38,240.00	$ 38,240.00	$ -	$ 38,240.00
Total Fund 602 - Sewer Budget		**$ 7,666,865.00**	**$ 7,667,622.00**	**$ -**	**$ 7,667,622.00**
That there be appropriated from the PARKING FUND, FUND NO. 603					
6210 - Parking Dept					
	O.T.P.S.	$ 1,011,525.00	$ 1,013,025.00		$ 1,013,025.00
	Other Financing Uses	$ -	$ 800.00		$ 800.00
	Total - 6210 Parking Dept	$ 1,011,525.00	$ 1,013,825.00	$ -	$ 1,013,825.00
Total Fund 603 - Parking Budget		**$ 1,011,525.00**	**$ 1,013,825.00**	**$ -**	**$ 1,013,825.00**
That there be appropriated from the REFUSE FUND, FUND NO. 605					
6203 - Refuse Collect					
	Personal Services	$ 2,565,458.00	$ 2,565,458.00		$ 2,565,458.00
	O.T.P.S.	$ 1,329,218.00	$ 1,329,218.00		$ 1,329,218.00
	Capital	$ 33,000.00	$ 33,000.00		$ 33,000.00
	Total - 6203 Refuse Collect	$ 3,927,676.00	$ 3,927,676.00	$ -	$ 3,927,676.00
Total Fund 605 - Refuse Budget		**$ 3,927,676.00**	**$ 3,927,676.00**	**$ -**	**$ 3,927,676.00**
That there be appropriated from the ALS AMBULANCE SERVICES FUND, FUND NO. 606					
7304 - Ambulance Services					
	Personal Services	$ 434,487.00	$ 434,487.00		$ 434,487.00
	O.T.P.S.	$ 355,150.00	$ 358,150.00		$ 358,150.00
	Capital	$ 296,600.00	$ 296,600.00		$ 296,600.00
	Total - 7304 Ambulance Services	$ 1,086,237.00	$ 1,089,237.00	$ -	$ 1,089,237.00
Total Fund 606 - ALS Ambulance Services Budget		**$ 1,086,237.00**	**$ 1,089,237.00**	**$ -**	**$ 1,089,237.00**
That there be appropriated from the HOSPITALIZATION SELF-INS FUND, FUND NO. 701					
3101 - Finance					
	Personal Services	$ 7,000,000.00	$ 7,000,000.00		$ 7,000,000.00
	Total - 3101 Finance	$ 7,000,000.00	$ 7,000,000.00	$ -	$ 7,000,000.00
Total Fund 701 Hospitalization Budget		**$ 7,000,000.00**	**$ 7,000,000.00**	**$ -**	**$ 7,000,000.00**

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That there be appropriated from the OFFICE ON AGING FUND, FUND NO. 804					
8501 - Off On Aging Admin					
	O.T.P.S.	$ 7,430.00	$ 7,430.00		$ 7,430.00
	Total - 8501 - Off On Agin Admin	$ 7,430.00	$ 7,430.00	$ -	$ 7,430.00
8502 - Off On Aging Computer					
	O.T.P.S.	$ 5,000.00	$ 5,000.00		$ 5,000.00
	Capital	$ 3,000.00	$ 3,000.00		$ 3,000.00
	Total - 8501 - Off On Agin Computer	$ 8,000.00	$ 8,000.00	$ -	$ 8,000.00
Total Fund 804 Office on Aging Budget		**$ 15,430.00**	**$ 15,430.00**	**$ -**	**$ 15,430.00**
That there be appropriated from the YOUTH RECREATION FUND, FUND NO. 808					
8101 - Community Services Admin					
	Other Financing Uses	$ 5,000.00	$ 5,000.00		$ 5,000.00
	Total - 89101 Community Services Admi	$ 5,000.00	$ 5,000.00	$ -	$ 5,000.00
Total Fund 808 Youth RecreationsBudget		**$ 5,000.00**	**$ 5,000.00**	**$ -**	**$ 5,000.00**
That there be appropriated from the JUVENILE DIVERSION PROG FUND, FUND NO. 811					
7209 - Junenile Diversion					
	O.T.P.S.	$ 10,000.00	$ 10,000.00		$ 10,000.00
	Total - 7209 Juvenile Diversion	$ 10,000.00	$ 10,000.00	$ -	$ 10,000.00
Total Fund 811 Juvenile Diversion		**$ 10,000.00**	**$ 10,000.00**	**$ -**	**$ 10,000.00**
That there be appropriated from the SALES TAX FUND, FUND NO. 857					
3101 - Finance					
	Other Financing Uses	$ 250.00	$ 250.00		$ 250.00
	Total - 3101 Finance	$ 250.00	$ 250.00	$ -	$ 250.00
Total Fund 857 Sales Tax Budget		**$ 250.00**	**$ 250.00**	**$ -**	**$ 250.00**
That there be appropriated from the MISCELLANEOUS AGENCY FUND, FUND NO. 858					
3105 - Unclaimed Money					
	Other Financing Uses	$ 20,000.00	$ 20,000.00		$ 20,000.00
	Total - 3105 Unclaimed Money	$ 20,000.00	$ 20,000.00	$ -	$ 20,000.00
7201 - Police Admin					
	O.T.P.S.	$ 60,000.00	$ 60,000.00		$ 60,000.00
	Total - 7201 Police Admin	$ 60,000.00	$ 60,000.00	$ -	$ 60,000.00
7401 - Building Services					
	Other Financing Uses	$ 12,000.00	$ 72,000.00		$ 72,000.00
	Total - 7401 Building Services	$ 12,000.00	$ 72,000.00	$ -	$ 72,000.00
7402 - Housing Inspections					
	Other Financing Uses	$ 350,000.00	$ 350,000.00		$ 350,000.00
	Total - 7201 Police Admin	$ 350,000.00	$ 350,000.00	$ -	$ 350,000.00
Total Fund 858 Misc. Agency Budget		**$ 442,000.00**	**$ 502,000.00**	**$ -**	**$ 502,000.00**
Total 2023 Budget		**$ 123,661,800.00**	**$ 139,896,162.00**	**$ 462,113.00**	**$ 140,358,275.00**

MEMORANDUM

To: **Mayor Seren**

cc: **William Hanna, Law Director**

From: **Eric Zamft, Director of Planning & Development**

Date: **November 20, 2023**

Subject: **Resolution authorizing the Mayor to apply for grant funding under the Cuyahoga County Department of Development's Community Development Supplemental Grant program to replace and repair decorative light fixtures in the Coventry Village business district, and declaring the necessity that this legislation become immediately effective as an emergency measure.**

Cuyahoga County has a program named the Community Development Supplemental Grant ("CDSG") program, which is a competitive grant of up to $50,000 awarded to help strengthen cities, encourage regional collaboration, and improve the quality of life for county residents.

The City of Cleveland Heights has successfully in the past applied for and received this funding, which does not require any matching funds.

The City is interested in applying for said grant to replace and repair the decorative light fixtures throughout the Coventry Village business district, which would address a community need and improve the quality of life for City residents. These fixtures were originally part of a 2003 streetscape project and are now showing some wear and tear. Several need to be wholly replaced, while others need new bases and/or electrical work to keep them functioning and in good condition.

The City consulted with the Coventry Village Special Improvement District (SID) to identify a need that the SID felt would be most impactful and meets the eligibility requirements of the grant program.

The CDSG application requires a resolution from City Council authorizing the Mayor to submit the application. Applications are due on November 28, 2023. Therefore, the administration is requesting that Council consider for adoption such resolution upon First Reading, as an emergency.

Proposed: 11/20/20232023

RESOLUTION NO. 186-2023(PD), *First Reading*

By Mayor Seren

Resolution authorizing the Mayor to apply for grant funding under the Cuyahoga County Department of Development's Community Development Supplemental Grant program to replace and repair decorative light fixtures in the Coventry Village business district; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, Cuyahoga County has initiated a program named the Community Development Supplemental Grant ("CDSG") program, which is a competitive grant of up to Fifty Thousand Dollars ($50,000) awarded to help strengthen cities, encourage regional collaboration, and improve the quality of life for county residents; and

WHEREAS, the CDSG program is funded through the County Casino Revenue Fund and requires no matching funds; and

WHEREAS, the City is interested in applying for said grant to replace and repair decorative light fixtures throughout the Coventry Village business district; and

WHEREAS, the light fixtures address a community need and improves the quality of life for City residents; and

WHEREAS, said application to the CDSG program would be in the interests of the City and its residents

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor be, and is hereby, authorized to apply to the Department of Development, County of Cuyahoga, State of Ohio, for funding in a sum of up to Fifty Thousand Dollars ($50,000), under the Community Development Supplemental Grant program, to replace and repair decorative light fixtures in the Coventry Village business district. The Mayor is further authorized and directed to execute any and all documents necessary for acceptance of said grant, upon forms approved by the Director of Law, should it be awarded.

SECTION 2. Notice of passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet the application deadline. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
MELODY JOY HART
President of Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor

MEMORANDUM

To: City Council

cc: Kahlil Seren, Mayor
William Hanna, Law Director

From: Eric Zamft, Director of Planning & Development

Date: November 20, 2023

Subject: Zoning Text Amendments and Zoning Map Change Ordinances: 1) An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's mixed-use regulations as contained in the C-2X Multiple Use Zoning District; 2) An Ordinance amending the Zoning Map of the City of Cleveland Heights to rezone the parcels along South Taylor Road, generally from Euclid Heights Boulevard south the Cedarbrook Road

Background:

Local ordinances are "living and breathing" documents that can be amended from time-to-time in order to keep up with changes in the social and economic environments. The City has followed this practice by constantly and consistently reviewing its Codified Ordinances and – when appropriate and necessary – making changes to those Ordinances. This is particularly the case with Part Eleven – Zoning Code.

The City's Zoning Code is central to development, redevelopment, and investment within the City. Planning staff is looking at ways to improve the zoning approach, regulations, and process, with the intent of pursuing a comprehensive rezoning effort in the hopeful near future. That intent should not prevent, however, the City from addressing pressing zoning issues within the City's existing code.

In the context of new investment along South Taylor Road, the desire of the City to see South Taylor Road and the neighborhoods that are adjacent to it thrive, and the overall objective of the City to improve and streamline its zoning and approval processes, the

existing zoning along South Taylor Road was reviewed. Currently, there are more than six (6) zoning districts that exist along South Taylor Road (south of Euclid Heights Boulevard). As part of that review, the City's commercial districts, including the C-2X Multiple-Use District, were examined.

It was determined by staff that changes to the C-2X District are warranted to help promote dense, mixed uses along main thoroughfares and to concentrate mixed-use buildings to promote and encourage pedestrian activity. Such changes would be utilizing a "form-based" approach. It was also determined that the C-2X District, as amended, would best promote a more cohesive and unified mixed-use district along South Taylor Road.

There have been a number of preliminary and conceptual public discussions regarding such changes, with general support for the proposal, including:

- Key property owners and stakeholders along the South Taylor Road corridor (August 24 and 31, 2023)
- As part of Car Free Day along South Taylor Road (September 19, 2023)
- Planning Commission (October 11, 2023)
- Various neighborhood groups along South Taylor Road (September and October 2023; ongoing)

Zoning text amendments and zoning map changes must follow the procedures put forth in Chapter 1119, including, but not limited to Council referral to the Planning Commission, Planning Commission review and recommendation, and Council public hearing. The full process will be discussed below. Staff worked with the Law Department to prepare an Ordinance for Council's consideration to start the review process. Changes to other parts of the Codified Ordinances, including the Building Code, do not require this process.

Attached please find: 1) an ordinance to amend the Zoning Code to update the City's mixed-use regulations as contained in the C-2X Multiple Use Zoning District to be more form-based (along with the proposed zoning text amendments as an exhibit); 2) an ordinance to amend the Zoning Map to rezone the parcels along South Taylor Road, generally from Euclid Heights Boulevard south the Cedarbrook Road (along with the proposed zoning map changes and affected parcels as exhibits).

Summary of Ordinance XX-2023 (Recommended Zoning Text Amendments):

Legislative Intent
To create zoning for South Taylor Road that is more modern, reflects the mixed-use nature of the corridor, but respects the low-density residential neighborhoods that are adjacent.

Revises the Purpose of the C2-X District
The C2-X Multiple-Use District is established to provide standards for the continued operation of mixed-use neighborhoods and to provide for dense, mixed uses along main thoroughfares and to concentrate mixed-use buildings to promote and encourage

pedestrian activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity.

Definitions (Section 1103.03(b))

- Revises the definitions to include additional uses and add form-based terms, including 'frontage', and 'frontage type'
- Adds definitions related to Window Transparency, including 'glazing' and 'reflectivity'

Principal Uses (Section 1131.02, Schedule 1131.02)

- In many cases, makes uses consistently permitted or conditionally permitted through all of the commercial districts
- Includes Townhomes and Attached Single Family Dwelling Units as conditionally-permitted uses in the C2-X District
- Removes certain uses that are accessory uses from the principal permitted use schedule
- Adds uses present in residential districts, including community gardens and places of worship

Accessory Uses (Section 1131.03, Schedule 1131.03)

- Adds swimming pools as an accessory use for mixed-use and multiple-family projects
- Adds new accessory commercial uses, outdoor dining facility, kiosk, jewel box retail, open air café, dining patio

Bulk and Lot Regulations (Sections 1131.04-07)

- Clarifies no minimum lot area for the C2-X district
- Reduces the minimum lot frontage for all commercial districts to 40 feet to match the smaller lot sizes in our commercial areas
- Introduces transition zones in relation to an increased height for the C2-X district (form-based concept)

Commercial and Mixed Use District Design Guidelines / Interior Guidelines (Sections 1131.075-1131.076)

- Revises text to reflect design guidelines, rather than requirements
- Completely revises the section on windows and window transparency, providing distinction between ground floors and upper floors; commercial vs. residential vs. institutional
- Adds in new Section 1131.076 to create interior frontage design guidelines – intent is to make sure that there is a relationship between the public frontage of a building and the private interior, while still protecting and providing privacy

Accessory Use Regulations (Section 1131.08)

- Adds in standards for new publicly accessible outdoor space accessory uses/building types (form-based concept)

- Revises fence standards to be consistent with proposed changes elsewhere in the Zoning Code

Supplemental Regulations (Sections 1131.12 and 1131.13)

- Clarifies language regarding off-street parking decks and garages
- Clarifies language regarding who the occupant of a live-work dwelling must be

C-2X District Standards (Section 1131.14-16)

- Completely revises the standards and regulations to be more form-based, including revising yard standards to be contextual to adjacent uses, as well as to reflect primary and secondary frontages (Section 1131.14)
- Introduces new frontage standards that "embrace" the street and are form-based (new, Section 1131.15)
- Introduces new form-based side yard transition zone standards to reflect and honor adjacent uses, notably residential (new, Section 1131.16)

Summary of Ordinance XX-2023 (proposed Zoning Map Change):

This ordinance proposes to rezone the parcels that are immediately along South Taylor Road, generally from Euclid Heights Boulevard/Severn Road south to Cedarbrook Road, to the C-2X Multiple Use Zoning District.

Process for Zoning Text Amendments:

Chapter 1119 of the Zoning Code provides the regulations and process for amending the Zoning Code. What follows is a summary of the process.

1. Introduction of amending ordinance to Council (Sections 1119.01 and 1119.02) – ***Subject of this agenda item***
2. Referral to Planning Commission for consideration and recommendation. The Commission shall be allowed a reasonable time, not less than thirty (30) days, nor more than sixty (60) days for its consideration and recommendations (Section 1119.03).
3. Planning Commission consideration and recommendation at regularly-scheduled meeting or special meeting or workshop – all open to the public to watch (Section 1119.04).
4. Public hearing by Council, including appropriate noticing (Section 1119.05).
5. Notice to property owners for zoning map change by Clerk of Council (Section 1119.06)
5. Action by Council. After the public hearing Council shall either adopt or deny the recommendation of the Planning Commission (Section 1119.07).

Proposed: 11/20/2023

ORDINANCE NO. 187-2023(PD), *First Reading*

By Mayor Seren

An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's mixed-use regulations as contained in the C-2X Multiple Use Zoning District, and transmitting the same to the Planning Commission.

WHEREAS, pursuant to Section 1119.01 of the Codified Ordinances of the City of Cleveland Heights, this Council may by Ordinance and upon its own initiative, introduce amendments to the Zoning Code of the Codified Ordinances of the City of Cleveland Heights; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights, after the introduction of such amending Ordinance by Council, such amending Ordinance shall be transmitted to the Planning Commission for its consideration and recommendation; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights the Planning Commission shall be allowed a reasonable time, not less than thirty (30) days and nor more than sixty (60) days, for its consideration and recommendations; and

WHEREAS, in the context of new investment along South Taylor Road, the desire of the City to see South Taylor Road and the neighborhoods that are adjacent to it thrive, and the overall objective of the City to improve and streamline its zoning and approval processes, the existing zoning along South Taylor Road was reviewed; and

WHEREAS, as part of that review, the City's commercial districts, including the C-2X Multiple-Use District, were examined; and

WHEREAS, it was determined by staff that changes to the C-2X District are warranted to help promote dense, mixed uses along main thoroughfares and to concentrate mixed-use buildings to promote and encourage pedestrian activity; and

WHEREAS, such Zoning Text Amendments are consistent with the adopted 2017 City of Cleveland Heights Master Plan, notably Goal E, Continue to Promote Sustainability Through the City Regulations, Such as the Adopted Sustainable Zoning Code Amendment; and

WHEREAS, staff preliminarily and conceptually discussed changes to the C-2X District with key property owners and stakeholders along the South Taylor Road corridor in August, September, and October 2023; and

WHEREAS, staff preliminarily and conceptually presented changes to the C-2X District at the October 11, 2023 Planning Commission meeting as part of the discussion of their Annual Code Review.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights**,** County of Cuyahoga**,** State of Ohio, that:

SECTION 1. Pursuant to Section 1119.01 of the Codified Ordinances, this Council hereby introduces amendments to Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights, as set forth in **Exhibit A** attached hereto.

SECTION 2. Pursuant to Section 1119.03 of the Codified Ordinances, this proposed amending Ordinance shall be transmitted to the Planning Commission.

SECTION 3. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

_____
MELODY JOY HART
President of the Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved by Mayor: _____

_____
KAHLIL SEREN
Mayor

EXHIBIT A TO ORDINANCE XX-2023

CHAPTER 1103

Definitions

- 1103.01 Purpose.
- 1103.02 Principal and conditionally permitted uses.
- 1103.03 Accessory uses.
- 1103.04 Lot area and width regulations.

CROSS REFERENCES
Planned Development (PD) defined - see P. & Z. 1141.02
Landscaping and screening definitions - see P. & Z. 1165.05(a)
Regional Dwelling House Code definitions - see BLDG. 1301.02 (RDH Ch. 17)
Housing Code definitions - see BLDG. Ch. 1341
Business Maintenance Code definitions - see BLDG. Ch. 1361

1. USE OF CODE SECTION REFERENCES.

Throughout this Zoning Code, reference to section numbers means the numbered sections of this Zoning Code. Reference to section numbers separated by the word “to” (such as Sections 1101.85 to 1101.87) is to be taken as equivalent to the words “to and including”.

2. SPECIAL MEANINGS.

Words used in the present tense include the future. The masculine, feminine or neuter gender includes either of the others. The singular number includes the plural and the plural the singular. The word “shall” is mandatory; the word “may” is permissive. The word “lot” includes the word “plot”. The word “erected” includes the word “used” and the word “altered”. The phrase “used for” includes “occupied for”, “intended for”, “designed for” or “arranged for”. The word “build” includes to “erect”, “convert”, “enlarge”, “reconstruct” or “structurally alter” a building or structure or part thereof.

1103.03 DEFINITIONS OF GENERAL TERMS.

Words used in this Zoning Code are used in their ordinary English usage. However, for the purpose of this Zoning Code, certain words used herein are defined and whenever used in this Code shall have the meaning indicated in this section, whether or not capitalized or otherwise highlighted, except where the context clearly indicates a different meaning.

(a) The following are general terms of reference:
(1) “Board” means the Board of Zoning Appeals of Cleveland Heights, Ohio. (See Chapter 1109.)
(2) “City” means the City of Cleveland Heights, Ohio.
(3) “Commission” means the City Planning Commission of Cleveland Heights, Ohio. (See Chapter

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1111.)

(4) "Commissioner of Building" means the individual designated by the Mayor as being in charge of the Division of Building in the Department of Public Service, and is synonymous with "Building Commissioner".
(5) "Council" means the City Council of Cleveland Heights, Ohio.
(6) "Date of passage" means the date upon which this Zoning Code was passed by Council.
(7) "District" means a part of the City wherein regulations of this Zoning Code are uniform as classified by the provisions of Chapter 1105.
(8) "Mayor" means the Chief Executive Officer of the City.
(9) "Municipal" means anything of or pertaining to the City.
(10) "Public notice" means advance notice of a hearing or proceeding as prescribed in this Zoning Code which states the subject matter to be heard and the time and place of the hearing or proceeding.
(11) "Zoning Administrator" means the Planning and Development Director or the Director's designee. (See Chapter 1107.)

(b) Certain general terms are hereby defined as follows:
(1) "Abutting" means having a common border with, or being separated from such a common border by a right of way, alley or easement.
(2) "Accessory building" means a subordinate building which is incidental to or customarily in connection with the principal building or use and which is detached from the principal building but located on the same lot with such principal building or use.
(2.5) "Accessory parking space" means an open or enclosed area, accessible from a street, for parking motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use.
(3) "Accessory use or structure" means a use, object or structure constructed or installed on, above or below grade which is incidental to or customarily in connection with, or subordinate to, the principal building or use and is located on the same lot with such principal building or use.
(4) "Alley" means a public or private way permanently reserved as a secondary means of access to abutting property.
(5) "Animal clinic" or "veterinary office" means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the clinic use, unless longer-term animal day care or overnight boarding of animals has been approved under the terms of Section 1153.05(bb).
(6) "Animal day-care facility" means a facility that cares for pet animals during the day at the request of the pets' owners. An animal day-care facility shall not include overnight boarding unless explicitly approved by the Planning Commission in the conditional use permit.
(7) "Automobile service station, major repair" means a building or portion of a building in which structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, is conducted, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities.
(8) "Automobile service station, minor repair" (See also "gasoline station") means a building or part of a building, structure or space used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service and the making of repairs to motor vehicles, except that repairs described as major repairs in subsection (b)(7) hereof shall not be permitted.
(9) "Bar, tavern or night club" means any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law for all or part of

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the time the establishment is open for business, and in which dancing may be permitted.

(10) "Basement" means a portion of a building partly or entirely underground whose ceiling or underpart of the floor above is four (4) feet or less above the average finished ground elevation. The "average finished ground elevation" is the mean elevation of the finished grade around all of the exterior of the building.

(11) "Blockface" means the properties that face the same side of a single street which are located between intersecting streets. A corner lot shall be part of two (2) blockfaces.

(12) "Boarding house". (See also "lodging house".)

(13) "Building" means any structure having a roof supported by or suspended from columns or walls and which is completely enclosed to serve as a shelter or enclosure for persons, animals, chattels or property of any kind. The term "building" does not include any vehicle, trailer (with or without wheels) nor any removable device, such as furniture, machinery or equipment.

(14) "Building height" means the vertical distance from the grade to the highest point of the roof surface if it is a flat roof; to the deck line for a mansard roof; and to the mean height level between eaves and ridge line for gambrel, gable or hip roofs.

(15) "Building line" means an imaginary linear extension of the building wall parallel to the street right-of-way line.

(16) "Building, principal" means a building occupied by the main use or activity on the lot on which such building is located.

(17) "Car wash" means a building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

(18) "Cellar". (See also "basement".)

(19) "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums and mausoleums, when operated in conjunction with and within the boundaries of such cemetery.

(20) "Child day-care" means administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the twenty-four (24) hour day in a place or residence other than a child's own home.

(21) "Child day-care home" means a permanent residence of the provider in which child day-care is provided for one (1) to six (6) children at one (1) time and in which no more than three (3) children may be under two (2) years of age at one (1) time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and who are on the premises of the child day-care home shall be counted.

(22) "Clinic" means a building where human patients are admitted for examination and treatment by a group of physicians or dentists practicing medicine together, but who are not lodged overnight.

(23) "Cluster development" means a development design technique that groups buildings on the site, with no increase in overall density, to allow a better arrangement of open space.

(24) "Community garden" means any piece of land (publicly or privately held) that is cultivated by a group of people rather than a single family or individual.

(25) "Conditional use" means a use permitted in a district other than a principally permitted use which is allowed only under certain conditions, requiring a conditional use permit as regulated in Title Seven and approval of the City Planning Commission or Zoning Administrator , in accordance with the standards and procedures of Sections 1115.08 and 1115.09.

(26) "Conditional use permit" means a permit issued by the Zoning Administrator upon approval by the City Planning Commission, when required, to allow a use other than a principally permitted use to be established within the district on a specific parcel.

(27) "Corner lot". (See also "lot types".)

(28) "Day-care center" means an establishment in which the operator is provided with compensation

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in return for providing individuals with care for less than twenty-four hours (24) hours at a time. This term includes, but is not limited to, a day nursery, nursery school, pre-school, child or adult day care center and may include incidental facilities for the preparation and consumption of meals, rest and recreation. This term does not include a "child day-care home".

(29) "Density" means the number of dwelling units permitted per acre of land.

(30) "Dormitory" means a building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

(31) "Drive-through facility" means any portion of a building or structure 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" also includes "drive-up" and "drive-in".

(32) "Dry-cleaning and laundry counter outlets" means a business that provides home-type washing, drying, and/or ironing machines for use by customers on the premises, or serves as a drop-off for dry-cleaning or laundry, but where no dry-cleaning processing is done on the premises.

(33) "Dwelling" means any building or portion thereof which is designed and used exclusively by one (1) or more human occupants for the purpose of residing for an extended time. A dwelling may be comprised of more than one (1) dwelling unit.

(34) "Dwelling, multiple family" means a building or portion thereof designed for occupancy by three (3) or more families living independently of each other in three (3) or more dwelling units where the units are separated by party walls with varying arrangements of entrances.

(35) "Dwelling, single-family" means a building designed or arranged for use by a single family consisting of one (1) dwelling unit only in one of the following forms:

A. "Dwelling, single-family detached" means a building designed or arranged for use by a single family consisting of one (1) dwelling unit only, separated from other dwelling units by open space; or

B. "Dwelling, single-family, attached" means a single-family dwelling that is joined by party walls to another single-family dwelling on a separate parcel.

(36) "Dwelling, town house" means a building that has single-family dwelling units erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides. The terms "town house dwelling," "townhouse," "townhome," and "row house" shall be considered synonymous.

(37) "Dwelling, two-family" means a dwelling consisting of two (2) dwelling units arranged, intended or designed to be occupied by two (2) families only. The dwelling units may be either attached side by side or one (1) above the other.

(38) "Dwelling unit" means a group of rooms arranged, maintained or designed to be occupied by a single family and consisting of a complete bathroom with toilet, lavatory and tub or shower facilities; one (1) and one (1) only complete kitchen or kitchenette with approved cooking, refrigeration and sink facilities; approved living and sleeping facilities. All of these facilities shall be in contiguous rooms and used exclusively by such family. The terms "dwelling unit", "apartment" and "suite" shall be considered synonymous.

(39) "Enclosed space" means an area that is surrounded on all sides. (See also "building".).

(40) "Family" means a group of individuals who function as a single, cohesive household. The Zoning Administrator shall determine whether a specified group of persons constitutes a household by virtue of being the functional equivalent of a family in the manner set forth in Section 1103.04. Notwithstanding the provisions of this definition, no family unit shall exceed in total number those persons permitted under the applicable provisions of the Housing Code describing required habitable floor and bedroom areas for each occupant.

(41) "Farmers' market" means a market consisting of individual vendors, mostly farmers/producers

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who sell directly to customers.

(42) "Fence" means any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.

(43) "Floor area, gross" means the total number of square feet of all floor space contained within the outside surface of the exterior walls of a building or from the center line of a common wall separating two (2) buildings but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

(44) "Floor area of a dwelling unit" means the sum of the gross horizontal areas of a building devoted to residential use measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) dwelling units. "Floor area of a dwelling unit" shall not include unfinished basement, attached parking garage, attic, terraces, breezeways, open porches and covered steps.

(45) "Floor area ratio" means the ratio between the number of square feet of floor area and the number of square feet of land in the lot.

(46) "Foster child" means a person under eighteen (18) years of age who is placed in a dwelling unit by an institution or agency, licensed or approved by an appropriate State-regulating agency to place foster children.

(46.5) "Frontage" means the area on a lot between the primary or secondary facade of the building and the right-of-way line. Corner lots have two frontages, a primary frontage and a secondary frontage.

A. "Primary Frontage" means the frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width.

B. "Secondary Frontage" means any frontage that is not the primary frontage.

(46.6) "Frontage Type" means the specific design and configuration of the building facade, and the associated space between the facade and the public right-of-way and may include space within the public right-of-way.

A. "Arcade" – A frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage / build-to line. This type is conventional for retail use. The arcade shall be no less than twelve (12) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.

B. "Common Yard" – A frontage wherein the facade is set back substantially from the frontage / build-to-line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape.

C. "Forecourt" – A frontage wherein a portion of the facade is close to the frontage / build-to line and the central portion is set back. the forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.

D. "Gallery" – A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than ten (10) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.

E. "Light Court" – A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.

F. "Porch and Fence" – A frontage wherein the facade is set back from the frontage / build-to line with an attached porch permitted to encroaching. A fence at the build-to line (optional) maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.

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G. "Stoop" – A frontage wherein the facade is aligned close to the frontage / build-to line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground floor residential use.

H. "Shopfront and Awning" – A frontage wherein the facade is aligned close to the frontage / build-to line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.

I. "Terrace" – A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.

(47) "Funeral home" means a building or part thereof used for human funeral services. Such building may contain space and facilities for:

A. Embalming and the performance of other services used in preparation of the dead for burial;

B. The performance of autopsies and other surgical procedures;

C. The storage of caskets, funeral urns, and other related funeral supplies; and

D. The storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

(48) "Game rooms" means any premises open to the public other than a residence upon or within which there is located more than seven (7) billiard tables, bowling lanes, pinball machines, video games, other similar player-oriented amusement devices, as defined by the Codified Ordinances, or any combination of billiard tables, bowling lanes, and amusement devices in excess of seven (7). For the purposes of this definition, residence shall include any single-family, two-family and multiple-family structure, and a dormitory for college students with a student union operated in conjunction with such dormitory facility, so long as such residence is open to residents and their invited guests only, and is not open to the general public.

(49) "Garage, parking" means a principal or accessory building or an enclosed space within the principal building in which motor vehicles owned by the general public are parked, including facilities operated as a business enterprise with a service charge or fee paid to the owner or operator of such facility, with no facilities for mechanical service or repair of a commercial or public nature. Parking garage may be attached or detached and shall be considered enclosed parking spaces. A "parking deck" shall be considered a parking garage. An "existing carriage house" shall not be considered a parking garage.

(50) "Garage, private parking" means a detached accessory building or an attached portion of the principal building designed to store motor vehicles and other normal household accessories of the residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature. "Private parking garage" shall be considered enclosed parking spaces.

(51) "Gasoline station" (See also "automobile service station") means an establishment where liquids used as 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 facilities available for the sale of other retail products.

(51.1) "Glazing" means the glass components of a building's façade as part of windows, doors or other fixed openings that have some degree of transparency.

(52) "Grade" means the average level of the finished surface of ground adjacent to the exterior walls of the building, except when any wall of a building approximately parallels and is not more than five (5) feet from a street right-of-way line, then the elevation of the street center line at the center of the building wall adjoining the street shall be the grade.

(53) "Greenbelt" means an open area which may be cultivated or maintained in a natural state

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surrounding development or used as a buffer between land uses or to mark the edge of a developed area.

(54)"Green roof" means a roof of a building that is partially or completely covered with vegetation and a growing medium with the capacity to absorb rainwater and reduce a building's heat island effect.

(55)"Greenway" means a linear park, alternative transportation route, or open space conservation area that provides a passive recreational opportunity, pedestrian and/or bicycle paths and/or conservation of open spaces or natural areas.

(56)"Home occupation" means an occupation for gain which is subordinate and incidental to the use of the premises as a dwelling, carried on by a person in the home in which he or she resides.

(57)"Hotel" means a building in which lodging is provided and offered to the public for compensation on a daily rate and which is open to occupancy for periods of less than one (1) week, in contrast to a lodging house as defined in this section. Motels are not included in this definition.

(58)"Indoor recreation" means an indoor facility for any number of uses such as game courts, exercise equipment, exercise and/or dance floor area, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.

(59)"Industrial design" means an establishment where the form, usability, physical ergonomics, marketing, brand development and sales of various products are researched and developed. An industrial design establishment may only create prototypes of products, but may not manufacture products for sale and distribution. Outside storage or display is prohibited. All business, servicing, processing and storage uses must be located within the building.

(60)"Junk motor vehicle" means any motor vehicle, licensed or unlicensed, without regard to its age or value, that is parked in any unenclosed area of any portion of a yard or lot, with or without the consent of the owner of the property, for a period of seventy-two hours (72) hours or longer, when such motor vehicle is apparently inoperable, or is in such condition that it could not be legally operated on the public streets, or is in an extensively damaged, dilapidated or disassembled condition. Junk motor vehicle shall include "abandoned junk motor vehicle" as defined by Ohio R.C. 4513.63.

(61)"Junk yard" means any building, open area, or part thereof, used as a place of storage of waste and refuse or of old material which is capable of being used again in some form.

(62)"Landscaped area" means an area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.

(63)"Live/Work Dwelling" means a space used by a single household as a dwelling unit and as a work space. The living space of the live/work dwelling shall contain a kitchen area and sanitary facilities. The work space in a live/work dwelling is designed or equipped exclusively or principally for the conduct of work activities and is to be regularly used for such activities by one (1) or more occupants of the unit.

(64)"Loading space, off-street" means an area located totally outside of any public right-of-way for the temporary parking of vehicles entering the premises for picking up and making delivery.

(65)"Lodging house" means a building occupied for, or arranged, intended or designed to be occupied for rooming, or rooming and boarding for compensation by not less than four (4) persons by prearrangement for definite periods of not less than one (1) week in contrast to a hotel which is open for occupancy for shorter periods. The term "lodging house" includes "boarding house" and "rooming house".

(66)"Lot" means a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. The term "zoning lot" is used synonymously with "lot" in this Zoning Code. Such lot shall have frontage on an improved public street but not include any portion thereof, or on an approved private street, and may consist of:

A. A single lot of record;

B. A portion of a lot of record; or

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C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

(67) "Lot area" means the area contained within the lot lines exclusive of any portion of the right of way of any public street.

(68) "Lot coverage" means the ratio of total ground floor area of all buildings on a lot to the area of the lot expressed as a percentage.

(69) "Lot line" means the boundary line defining the limits of the lot. "Lot line" is synonymous with "property line".

A. "Front lot line" means the line separating the lot from the street right of way on which the lot fronts.

B. "Rear lot line" means the lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

C. "Side lot line" means any lot line other than a front or rear lot line.

(70) "Lot of record" means a lot or parcel of land the deed of which has been recorded in the office of the Recorder of Deeds of Cuyahoga County prior to the effective date of this Zoning Code.

(71) "Lot types": Terminology used in this Zoning Code with reference to corner lots, interior lots and through lots is as follows:

A. "Corner lot" means a lot abutting on two (2) streets at their intersection where the angle of such intersection is not more than 135 degrees.

B. "Interior lot" means a lot with only one (1) frontage on a street.

C. "Through lot" means a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

(72) "Lot width" means the distance between the side lot lines measured along a straight line parallel to the front lot line at the required front setback line.

(73) "Mural" means a graphic illustration or presentation other than a sign that is painted or otherwise applied to an outside wall, facade or surface of a building or structure.

(74) "Neighborhood high school" means an educational facility designed to serve residents of the community with educational services for high school aged youth.

(75) "Nonconformity" means a lot, use of land, building, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which it is situated, and is therefore incompatible.

A. "Nonconforming use" means any building or land lawfully occupied by a use on the effective date of this Zoning Code or any amendment thereto which, on such effective date, does not conform with the use regulations of the district in which it is situated.

B. "Nonconforming site condition" means any lot, building or structure lawfully existing on the effective date of this Zoning Code or any amendment thereto, which, on such effective date, does not conform to the lot area, width or yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.

(76) "Nursing home" means an extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of the persons who are convalescing from illness or incapacitation.

(77) "Ornamental Pool" means any water pool having less than 100 square feet of water surface containing less than two (2) feet of water at its deepest point, located out-of-doors on private property.

(78) "Outdoor Play Equipment" or "Recreational Equipment" means play apparatus such as swing sets and slides, sandboxes, poles for nets, trampolines and similar equipment.

(79) "Outdoor storage" means the keeping, in an unroofed area, of any goods, material, merchandise, vehicles, or junk in the same place for more than twenty-four (24) hours.

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(80)"Overlay district" means a district described on the zoning map within which, through superimposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

(81)"Overnight boarding of animals" describes an activity that may be conditionally permitted in conjunction with an animal clinic, veterinary office, animal grooming facility, or animal day-care facility in which overnight care is provided for pet animals at the request of the pets' owners.

(82) "Parcel" means a tract of land that is recorded by the Cuyahoga County Auditor as a distinct entity for taxing purposes and which is identified by a single permanent parcel number.

(83)"Parking deck" means a one (1) story unenclosed structure in which and on which motor vehicles may be parked.

(84)"Parking lot" (See also "garage, parking") means an area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

(85)"Parking space, off-street" means an open or enclosed area adequate for parking an automobile with room for opening doors on both sides, with access to a public street. Arrangement of the parking space shall be such as to allow ingress and egress of an automobile without the necessity of moving any other automobile, and shall be located totally outside of any public right of way.

(86)"Personal services" mean any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

(87)"Places of worship" mean a building in a residential district originally designed for and only for, and used primarily for public worship. The word "place of worship" includes the words "church", "chapel", "synagogue", "temple", and "mosque", and their uses and activities which are customarily related. Church, chapel, synagogue, temple, mosque or other place dedicated to worship located in a commercial district shall be treated as a "meeting room" for the purposes of enforcing this Zoning Code.

(88) "Planned Development" shall mean an area of land in which a variety of residential, commercial and/or office uses are accommodated as a conditional use in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under the standard district regulations. The procedure for approval of such development contains requirements in addition to those of permitted uses.

(89)"Portable on-demand storage structure" means any container, storage unit, shed-like container or other portable storage structure with a volume equal to or exceeding fifty cubic feet other than an accessory building or shed complying with Code requirements that can be or is used for the storage of personal property of any kind and which is located for such purpose outside a building.

(90) "Premises" means a lot together with all buildings and structures thereon.

(91) "Public land" means any land owned by the City or by any other governmental entity.

(92)"Public use" means any use of a building or land by the City or by any other governmental entity for any public purpose.

(93) "Recycling collection station" means an accessory use that serves as a neighborhood drop-off point for the collection and temporary storage of small recoverable resources such as glassware, plastic jugs and metal cans, but which does not involve any processing.

(93.5) "Reflectivity" means the degree to which the glass panes of a window act as mirrors. Full reflectivity would be a glass pane that cannot be see through and instead acts completely like a mirror. Lesser degrees of reflectivity allow visibility through the glass.

(94)"Regional high school" means an educational facility marketed and designed to serve a larger area than the community with educational services for high school aged youth.

(95)"Research and development, limited" means an establishment where research and development is conducted in industries that include, but are not limited to, green technology, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication and

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information technology, electronics and instrumentation, and computer hardware and software. Limited research and development does not involve the manufacture, fabrication, processing or sale of products, except as incidental to the research and development business. Outside storage or display is prohibited. All business, servicing, processing and storage uses must be located within the building.

(96) "Research and testing laboratory" means a building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

(97) "Restaurant, counter service" means a retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready to consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.

(98) "Right-of-way" means a strip of land taken, dedicated or otherwise recorded as an irrevocable right of passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges. "Right-of-way line" also means "street line".

(99) "Row house". (See also "dwelling, town house".)

(100) "Satellite dish receiving antenna" also referred to as a satellite earth station, means a round parabolic antenna designed to receive television broadcasts relayed by microwave signals from communications satellites orbiting the earth.

(101) "School facilities" mean publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Ohio R.C. Chapter 3313; or publicly or privately owned facilities providing kindergarten or nursery school training and care whose annual sessions do not exceed the school sessions for full-time day schools and which are operated by a board of education or an established religious organization.

(102) "Senior citizen apartment" mean a building or group of buildings containing independent living units of which no less than eighty percent (80%) are occupied by persons sixty-two (62) years or older or by disabled persons.

(103) "Setback" means the required minimum horizontal distance between a lot line and a structure as established by this Zoning Code.

(104) "Setback line" (See also "yard, required") means a line established by this Zoning Code generally

(105) "Sign" means any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations. Signs shall be further classified by physical design or structure, and function or purpose based on the following:

A. Physical Characteristics.

1. "Advertising device" means any banner affixed on a pole, wire or rope, or streamer, wind operated device, flashing lights or other similar device.
2. "Awning" means a sign located on the face of the awning material.
3. "Freestanding" means a sign which is supported from the ground or a structure, other than a building.
4. "Marquee" means a sign affixed to a marquee which marquee is over an entrance to a building and supported from that building. For the purposes of these regulations, a marquee shall be permitted only for an auditorium used for dance, plays, concerts,

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movies and other similar productions.

5. “Portable” means a sign which is designed to be moved and is not permanently, or intended to be permanently, attached to a building, structure or the ground.
6. “Projecting” means a sign erected on the outside wall of a building and which projects out at an angle therefrom.
7. “Temporary” means a sign which is designed to be used for a period not to exceed forty-five (45) days, and which is either a window sign that is not painted on or otherwise permanently affixed to a window or glass portion of a door, or a yard sign.
8. “Wall sign” means a sign erected parallel to or affixed on the outside wall of any building, and not extending more than twelve (12) inches therefrom, and which does not project above the roof line or beyond the corner of the building.
9. “Window” mean a sign on the inside of a building affixed to, or near, a window for the purposes of being visible to and read from the outside of the building.

B. Functional.

1. “Building marker” means a sign indicating the name of a building and date and incidental information about its construction or historical significance, which sign is cut into a masonry surface or made of bronze or other permanent material, and mounted at the time the building was constructed or affixed subsequent to a structure being designated as an historical landmark.
2. “Commercial identification” means a sign primarily intended to identify the use, activity, service or business on the premises.
3. “Construction” means a sign identifying a building project only during the time of construction, including new construction, additions and renovations.
4. “Directional” means a sign located near the street directing or guiding traffic and parking on private property with no part of any such sign more than four (4) feet above grade.
5. “Institutional identification” means a sign identifying the name and/or address of a place of worship, school, public library, public safety facility, public park or playground, public recreation facility, cemetery, or public parking lot or garage, and which may include a bulletin board, and which contains only messages pertaining to activities on the site.
6. “Instructional” means a sign intended to instruct employees, customers or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payment accepted.
7. “Name plate” means a sign indicating only the name and address of the person, business, profession or activity occupying the lot, or building(s).
8. “Public purpose/safety” means a sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or on private property which is required by law or otherwise intended to control traffic, direct, identify or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.
9. “Residential identification” means a sign identifying the name and address of a completed residential subdivision, or the name, address and phone number of a multiple-family development. A residential identification sign for a multiple-family development may also include a removable insert advising of a unit for rent in the building, subject to the provisions of Sections 1163.06(f)(2) and 1163.06(f)(6) herein.

(106) “Story” means that part of a building other than a basement or a half-story between any floor and the floor above, or, in its absence, the ceiling or roof above.

(107) “Street” means a public way which affords the principal means of access to abutting

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property.

(108) "Street center line" means a line halfway between the street right-of-way lines.

(109) "Structure" means anything constructed or erected, the use of which requires a fixed location on the ground or is attached to something having a fixed location on the ground, and including, but not limited to signs, fences, backstops for sports fields or courts, pergolas, decks, pools, patios, paved areas, sidewalks and gazebos.

(110) "Structural alteration" means any change that would prolong the life of the supporting members of a building or structure, such as the bearing walls, columns, beams or girders.

(111) "Swimming Pool" means any water pool having more than 100 square feet of water surface, which is capable of containing in excess of two (2) feet of water at its deepest point, located out-of-doors on private property. All other pools are "ornamental pools."

(112) "Sustainable" means in a manner which supports healthy, productive environments and minimizes waste and consumption of non-renewable materials.

(113) "Sustainable Development" means development which: increases the efficiencies with which buildings and their sites use energy, water and materials; and reduces building impacts on human health and environment through better siting, design, construction, operation, and maintenance.

(113.5) "Transparency" refers to using materials and design strategies that allow for visual access or openness between the interior and exterior of a building. This can include using glass, screens, or other materials that provide clear sightlines between interior and exterior spaces. Transparency can also refer to using materials that allow for the passage of light, creating a luminous and airy atmosphere within a building. In addition to its aesthetic qualities, transparency can also serve functional purposes, such as promoting natural ventilation, enhancing views, and encouraging interaction and communication between occupants.

(114) "Townhouse". (See also "dwelling, townhouse".)

(115) "Veterinary office". (See also "animal clinic".)

(116) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions , including swamps, marshes, bogs, and similar areas. (See 40 CFR 232.2(r)). Wetlands shall be delineated by a site survey approved by the City of Cleveland Heights using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two (2) agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.

(117) "White roof" means a roof that is white or light in color that reflects light and heat and measurably reduces a building's heat island effect.

(118) "Yard" means an open space on the same lot with a principal building that lies between the principal building and the nearest lot line, unoccupied and unobstructed by any portion of the structure from the ground upward, except for accessory uses, structures or buildings as expressly permitted in this Zoning Code.

(119) "Yard, corner side" means on a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line.

(120) "Yard, front" means a yard across the full width of the lot extending from the front of the principal building to the front lot line. On a residential corner lot in a residential district, the front yard shall face the shorter street dimension of the lot except that if the lot is square or almost square; i.e., has depth to width dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street. On a corner lot of a non-residential use or in a nonresidential district, the front yard shall face the major street.

(121) "Yard line". (See also "building line".)

(122) "Yard, rear" means a yard extending the full width of the lot between the principal

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building and the rear lot line. On a corner lot, the rear yard shall be the area between the rear lot line and the principal building, extending from the side lot line abutting an interior lot to the side yard abutting a street.

(123) "Yard, required" (See also "setback line") means the open space between a lot line and a setback line that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Code.

(124) "Yard, side" means a yard between the principal building and the side lot line and extending from the front yard to the rear yard on an interior lot.

(125) "Yard, width or depth" means the horizontal distance from a lot line to the principal building measured perpendicular to the building.

(126) "Zoning lot". (See also "lot".)

(127) "Accessory parking space" means an open or enclosed area, accessible from a street, for parking motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use.

(128) "Existing carriage house" means an existing, nonconforming accessory residential dwelling unit that was legally constructed or created prior to the adoption of this Zoning Code.

(129) "Façade" means any exterior wall of a structure, including projections from and attachments to the wall that are architecturally integrated into the structure. Projections and attachments shall include, but are not limited to, balconies and porches.

(130) "Primary structure" means a Structure having a roof supported by columns or by walls and intended for the shelter, housing, enclosure, or storage of persons or property. A primary structure shall include, but is not limited to porches, dwellings, principal buildings. A private parking garage, patio, or deck shall not be considered a primary structure.

(131) "Codified Ordinances" means the Codified Ordinances of the City of Cleveland Heights, as amended.

(132) "Meeting room" means a room or space for public assembly or meeting.

(133) "Rain barrel" means a container used to collect and store rainwater runoff, typically from roof tops via rain gutters.

(134) "Rain garden" means an area of land designed to capture stormwater runoff from impervious areas such as roofs, driveways, walkways, parking lots, and compacted lawn areas, and allow it to infiltrate in to the water table.

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CHAPTER 1131

Commercial Districts

- 1131.01 Purpose.
- 1131.02 Principal and conditionally permitted uses.
- 1131.03 Accessory uses.
- 1131.04 Lot area and width regulations.
- 1131.05 Minimum lot frontage.
- 1131.06 Minimum yard requirements for principal uses.
- 1131.07 Height regulations.
- 1131.075 Commercial and Mixed Use District Design Standards.
- 1131.076 Window transparency.
- 1131.08 Accessory use regulations.
- 1131.085 Accessory use regulations for publicly accessible outdoor spaces
- 1131.09 Supplemental regulations for gasoline stations.
- 1131.10 Supplemental regulations for automobile sales/rental.
- 1131.11 Supplemental regulations for outdoor display, sales of goods.
- 1131.12 Supplemental regulations for private parking garages and parking decks that are principal uses.
- 1131.13 Supplementary regulations for live/work dwellings in commercial districts.
- 1131.14 C-2X Multiple Use District.
- 1131.15 Frontage Standards
- 1131.16 C-2X Side Yard Transition Zone Standards

CROSS REFERENCES
Establishment of Districts and Maps - see P. & Z.Ch. 1105
Additional regulations governing uses - see P. & Z.Ch. 1165

1131.01 PURPOSE.

Commercial District regulations are established to ensure the availability of suitable areas for business and commercial uses and to encourage sustainable development and practices. Desirable and beneficial uses of land are sought through these regulations to preserve and enhance the character of the City and the value of these districts. Four (4) commercial zoning districts have been established to meet the needs of the community.

(a) The C-1 Office District is for limited application along certain major streets adjacent to higher density residential areas where the integration of offices would be appropriate but where retail and commercial services would not be.

(b) The C-2 Local Retail District is established to provide standards for the continued operation of small neighborhood commercial establishments and to concentrate new retail businesses in buildings that typically locate side by side in order to promote and encourage pedestrian activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity.

(c) The C2-X Multiple-Use District is established to provide standards for the continued operation of mixed use neighborhoods and to provide for dense, mixed uses along main thoroughfares and to concentrate mixed-use buildings to promote and encourage pedestrian activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity.

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(d) The C-3 General Commercial District is established to provide for higher intensity commercial uses (including automotive uses) along certain major streets where the level of traffic volume warrants such uses and to provide locations for commercial uses which generally require independent, free-standing buildings and larger amounts of parking.

1131.02 PRINCIPAL AND CONDITIONALLY PERMITTED USES.

(a) Unless otherwise provided by law or in this Code, buildings, structures or land shall only be used or occupied following the adoption of this Zoning Code for the uses permitted herein. Schedule 1131.02, on the following page, enumerates those uses that may locate in a C-1 Office, C-2 Local Retail, C-2X Multi-Use and C-3 General Commercial District as a matter of right as a principal use, and those uses which may locate in a given district only upon obtaining a conditional use permit.

(1) A use listed in Schedule 1131.02 shall be permitted by right in a district when denoted by the letter P provided that all requirements of other City ordinances and this Zoning Code have been met.

(2) A use listed in Schedule 1131.02 may be permitted as a conditional use in a district when denoted by the letter C, provided that the requirements of Title Seven have been met.

(b) Although a use may be indicated as permitted or conditionally permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and parcel in question.

Schedule 1131.02
PERMITTED AND CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS

Land Use Category			***C-1 Office District***	***C-2 Retail District***	***C-2X Multi-Use District***	***C-3 Commercial District***
(a)	Residential Uses:					
	(1)	Multiple-family dwelling as a free-standing building	C	C	C	C
	(2)	Multiple-family dwelling units above the first floor in association with permitted commercial use	P	P	P	P
	(3)	Lodging house and boarding house including convent, home for the aged, residential care facility, and other congregate living facility	C	C	C	C
	(4)	Nursing home including intermediate and long-term care facility	C	C	C	C
	(5)	Dormitories, fraternities, sororities	C	C	C	C
	(6)	Live/Work Dwelling subject to the regulations of Section 1131.13	P	P	P	P

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	(7)	Townhomes			C	
	(8)	Attached Single Family Dwelling Units			C	
(b)	Office/Professional/Medical Uses:					
	(1)	Offices provided that only samples of merchandise are displayed or stored in the premises	P	P	P	P
	(2)	Financial establishment without drive-through facility	P	P	P	P
	(3)	Financial establishment with drive-through facility	C	C	C	C
	(4)	Animal clinics, veterinary offices, animal training, animal grooming facilities, animal day-care facilities, overnight boarding of animals in conjunction with animal clinics, veterinary offices, animal grooming facilities and animal day-care facilities	C	C	C	C
	(5)	Funeral homes and mortuaries	C	C	C	C
	(6)	Hospitals	C	C	C	C
	(7)	Urgent care clinics	P	P	P	P
(c)	Retail/Service Uses:					
	(1)	Retail establishments in wholly enclosed buildings		P	P	P
	(2)	Convenience retail and service establishments in an office building provided such business occupies no more than an area equal to 100% of first floor area	C	P	P	P
	(3)	Personal services including dry cleaning, laundry, beauty salon, tattoo parlor, body piercing		P	P	P

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	(4)	Restaurants bar, tavern, nightclub		P	P	P
	(5)	Catering	P	P	P	P
	(6)	Drive-through facility in association with a permitted restaurant, retail or service use		C	C	C
	(7)	Hotels	C	C	C	C
(d)	Automotive Uses:					
	(1)	Automobile sales, new or new and used				C
	(2)	Automobile rental				C
	(3)	Truck, boat sales/rental				C
	(4)	Gasoline station				C
	(5)	Car wash establishment				C
	(6)	Automobile service station - major and minor repair				C
	(7)	Parking lot as a principal use		C	C	C
	(8)	Parking deck or private parking garage as a principal use	C	C	C	C
(e)	Commercial Entertainment/Recreation Uses:					
	(1)	Indoor commercial entertainment facility including game room, bowling alley, skating rink, and movie theater	P	P	P	P
	(2)	Private indoor and/or outdoor recreation including a health, tennis and racquet club	P	P	P	P
	(3)	Dance studio, exercise class	P	P	P	P
	(4)	Meeting room	C	C	C	C
	(5)	Banquet hall, party center	~~C~~P	~~C~~P	~~C~~P	~~C~~ P
	(6)	Satellite dish receiving antenna	C	C	C	C

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(f)	General Commercial/Light Industrial Uses					
	(1)	Shops and studios for custom work of making articles to be sold at retail on the premises		P	P	P
	(2)	Printing and publishing		P	P	P
	(3)	Storage and warehousing of goods, self-storage				C
	(4)	Research & Development, Limited	P	P	P	P
	(5)	Industrial Design	P	P	P	P
	(6)	Nursery and garden supply with accessory outdoor storage		C	C	C
	(7)	Retail/Commercial Greenhouse	C	C	C	C
(g)	Educational Facilities					
	(1)	Elementary, junior and senior high school	C	C	C	C
	(2)	College, university, trade and training schools, adult education facilities	C	C	C	C
	(3)	Day care center, preschool, tutoring center	C	C	C	C
(h)	Community Facilities					
	(1)	Public library, museum	C	C	C	C
	(2)	Public safety facilities	C	C	C	C
	(3)	Public service and maintenance facilities	C	C	C	C
	(4)	Parks, playgrounds, and recreation facilities accessible to the public	C	C	C	C
	(5)	Farmer's markets	C	C	C	C
	(6)	Community gardens	C	C	C	C
(i)	Institutional Facilities					
	(1)	Places of worship	C	C	C	C

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1131.03 ACCESSORY USES.

When denoted by the letter A, a use listed in Schedule 1131.03 is an accessory use permitted in association

with and subordinate to a permitted or conditionally permitted use in a C-1, C-2, C-2X or C-3 Commercial District subject to the regulations of Sections 1131.08 and 1131.14(c).

Schedule 1131.03
PERMITTED ACCESSORY USES

Land Use Category			***C-1 Office District***	***C-2 Retail District***	***C-2X Multi-Use District***	***C-3 Commercial District***
	(a)	Off-street parking and loading facilities as required and regulated in Chapter 1161, including enclosed parking spaces, private parking garages, parking decks and accessory parking spaces	A	A	A	A
	(b)	Signs as permitted and regulated in Chapter 1163	A	A	A	A
	(c)	Home occupations subject to the regulations of Section 1165.02(b)	A	A	A	A
	(d)	Enclosed storage building for incidental storage of goods and supplies sold on the premises		A	A	A
	(e)	Employee cafeterias	A	A	A	A
	(f)	Recycling collection station or trash receptacle enclosed in a principal building, in an approved structure or screened according to the regulations of Section 1166.10	A	A	A	A
	(g)	Swimming pool and associated pool house for multifamily developments			A	
	(g)	All accessory uses permitted within a Multiple-Family District in connection with permitted multiple-family dwellings	A	A	A	A
	(h)	Retail and service establishments not to exceed an area equal to 50% of the first floor area of a permitted office or multiple-family building	A			
	(i)	Greenhouses*	A	A	A	A
	(k)	Outdoor Dining Facility	A	A	A	A
	(l)	Kiosks**	A	A	A	A

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	(m)	Jewel Box Retail**	A	A	A	A
	(n)	Open Air Cafes	A	A	A	A
	(o)	Dining Patios	A	A	A	A
	* A Greenhouse is only permitted on the interior side yard or rear yard of a lot or on the roof of the principal building. In size, a Greenhouse located on the interior side yard or rear yard of a lot shall not exceed 25% of the gross floor area of the principal building and shall never exceed 400 square feet. A greenhouse located on the roof of a principal building is still required to meet the height regulations set forth in this Code.				
	**Kiosk, Jewel Box Retail, Open Air Cafes, and Dining Patios are permitted in privately owned and publicly owned plaza spaces, courtyards, forecourts, and any other publicly accessible outdoor space intended for public gathering and lingering.				

Commented [EZ2R1]: This discusses greenhouses on a roof

Commented [1]: What about a greenhouse on a roof? For example, a rooftop garden that is enclosed like a greenhouse during colder months to allow for continued operation/use/cultivation?

1131.04 LOT AREA AND WIDTH REGULATIONS.

Principal buildings and uses permitted in the C-1 Office, C-2 Local Retail and C-3 General Commercial Districts shall be located only on a lot that complies with the lot area and lot width regulations set forth in Schedule 1131.04, unless otherwise specifically provided for elsewhere in this Zoning Code. Principal buildings and uses permitted in the C2-X Multiple-Use District shall not have a required lot area.

Schedule 1131.04
LOT AREA AND WIDTH REGULATIONS

	Principal Use	***Permitted Use District***	***Minimum Development Area (in sq. ft.)***	***Minimum Land Area per D.U. (d) (in sq. ft.)***	***Minimum Lot Width at Building Line (in feet)***
(a)	Multiple-family dwellings (a)	C-1	20,000	1,740	100
(b)	Multiple-family dwelling units above the first floor	C-1; C-2; C-3	10,000	1,740	70
(c)	Commercial (c)	C-1;C-2	10,000	NA	70
(d)	Commercial (c)	C-3	20,000	NA	100

Notes to Schedule 1131.04:
(a) Shall be the principal use on the lot.
(b) The first floor of the building shall be occupied by principal use other than multiple-family residences.
(c) Shall include all nonresidential permitted uses in the zoning district.
(d) D.U. means dwelling unit

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1131.05 MINIMUM LOT FRONTAGE.

Every zoning lot within the C-1, C-2, C-2X, and C-3 Districts shall have a width at the front lot line of not less than forty (40) feet, and at no point shall the width be less than forty (40) feet between the front lot line and the building line.

Commented [3]: Is this 40' minimum, effectively, preventing townhomes? Townhomes that are sold (versus rented) will be fee simple and thus require that each home sold is sold on/with its own parcel. Those parcels would not be able to meet the 40' minimum. Do we carve out an exception for Townhome and Single-Family Attached?

Commented [EZ4R3]: This should be dealt with more globaly.

1131.06 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES.

In C-1, C-2 and C-3 Commercial Districts, each zoning lot shall maintain the minimum front, side and rear yards specified in Schedule 1131.06, except as otherwise provided for in this chapter. Each yard shall be unobstructed by a principal use, including outdoor storage of goods, supplies and equipment as permitted in this chapter, or a principal building, except as otherwise provided in this Zoning Code. Such areas, together with all other portions of the zoning lot not covered by permitted structures, shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition so as to assure adequate screening of parking and loading areas, as well as absorption of rainfall.

Schedule 1131.06
MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES (a)

		Minimum Dimensions by District (in feet)	
Specified Yard		***C-1, C-2 Districts***	***C-3 Districts***
(a)	Front (b)	5(b)	5(b)
(b)	Yards abutting a C Commercial District or S District		
	(1) Side	0(c)	0
	(2) Rear	5	5
	(3) Corner side when rear yard abuts	5	5
(c)	Yard abutting a MF Multiple-Family District		
	(1) Side and rear	15	15
	(2) Corner side when rear yard abuts	10	10
(d)	Yards abutting an AA, A or B Residential District		
	(1) Side and rear	20	20
	(2) Corner side when rear yard abuts	10	10

Notes to Schedule 1131.06:
(a) New multiple-family residential developments in a C-1 District must comply with the MF-2 regulations.
(b) See Section 1131.12 for supplemental regulations for private parking garages, parking decks that are principal uses.
(c) A building not sharing a common wall with an adjacent building shall maintain the minimum separation specified in the Building Code.

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1131.07 HEIGHT REGULATIONS.

The height of a principal building in the C-1 Office, C-2 Local Retail and C-3 General Commercial Districts shall not exceed forty-five (45) feet. In a C-2X District, the height of a principal building shall not exceed seventy-five (75) feet, and shall use transitional zoning practices to step down and step back in massing when adjacent to AA and A Single Family, B Two Family, MF-1 and MF-2 Residential Districts, per Section 1131.16). Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of fifteen (15) feet from the building's primary front exterior wall, does not exceed fifteen (15) feet in height and is adequately screened from view. The height of an accessory building or structure shall not exceed the height of the primary building, unless otherwise specified in this Zoning Code.

1131.075 COMMERCIAL AND MIXED USE DISTRICT DESIGN GUIDELINES.

The following design guidelines are applicable to all commercial buildings in the City:

(a) Windows. All ground floor windows in all buildings shall provide views to allow people to see and be seen for passive security and to encourage pedestrian activity and district viability. The degree of visibility shall be determined by use type. Windows must be constructed of clear or lightly tinted glass. Reflective glass and tinting above twenty percent (20%) is prohibited on ground floors. Higher percentages of reflectivity and tinting is allowed on second floors and above. The percentage of glazing shall be calculated along the façade facing a primary and/or secondary public street between two (2) feet and eight (8) feet above the finished floor. The adequacy and necessity of such visibility shall be subject to approval by the Zoning Administrator.

(i) Commercial Retail Uses on Ground Floors – 25-75% glazing is recommended with less than 20% reflectivity on ground floors.

(ii) Commercial Office and Live/Work on Ground Floors – A minimum of 25% glazing with greater degrees of glazing, depending upon the specific interior use is encouraged and less than 20% reflectivity on ground floors.

(iii) Residential Uses on Ground Floors – Between 15 and 35% glazing with less than 20% reflectivity is recommended on ground floors.

(iv) Residential Uses on Upper Floors – Between 15 and 35% glazing recommended on upper floors. Higher levels of reflectivity are permitted on upper floors.

(v) Institutional Uses – are exempt from glazing requirements, but are encouraged to use glazing as part of an overall design scheme along with exterior frontage treatments to create appropriate relationships between the interior spaces and the public realm. Entrances should be focal points of the façade that celebrate this relationship and highlight the transition from the public realm to the interior.

(b) Building Entrances and Siting.

(1) All buildings shall have a public entrance from the sidewalk along the Primary street frontage.

(2) Façades that abut parking areas and contain a public entrance shall make provisions for pedestrian walkways and landscape areas.

(3) If outlot buildings are a part of a large retail development, outlot buildings must define the street frontage by placement near the street with showcase windows and entrances oriented toward the street, as well as to the interior parking lot. Entrances oriented toward the interior parking lot shall make provisions for pedestrian walkways and landscape areas.

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(c) Roof Design. Green roof and white roof designs are encouraged.

(d) Parking Structures. Parking structures are encouraged to be "faced" with commercial uses along any façade that is adjacent to a public street. Parking structures are encouraged to include screening measures designed to reduce the visual effect of headlights emanating from the structure onto and/or toward neighboring and/or adjacent properties.

(e) Surface Parking. Surface parking lots shall be screened from sidewalks and streets with some combination of shrubs, hedges, landscaping and decorative fencing and/or walls and shall be of a height to screen pedestrians from headlights on cars and trucks and shall be in compliance with Section 1166.06.

1131.076 INTERIOR FRONTAGE DESIGN GUIDELINES

Interior transition zones that include layering of elements such as furniture, window treatments, etc. are encouraged to aid in an appropriate and comfortable relationship between outside public spaces and interior semi-private and interior private spaces.

Four (4) conditions should be taken into consideration in designing appropriate relationships between interior and exterior spaces that allow people to see and be seen for passive security and to encourage pedestrian activity and district viability.

(a) The Vertical Relationship – It is recommended that Commercial spaces be located at grade with the sidewalk. It is recommended that Residential spaces include a greater degree of vertical separation in direct relationship to their proximity to the public right of way such that the closer they residential space is to the public right-of-way, the greater the degree of vertical separation.
(b) The Horizontal Dimension – It is are recommended that Commercial spaces be located at or close to the right-of-way. When they are pushed back from the public right of way and appropriate frontage zone should be employed to encourage district connectivity and viability.
(c) Window Treatments – In addition to the glazing and transparency considerations of Section 1131.076, additional tools should be employed such as interior frontage zones that push more private spaces away from the facade and use that space for semi-private uses. In addition, drapery, furniture and other layering elements should be used. Blinds are not encouraged and should be regulated. The goal is to maintain a degree of openness and visibility.
(d) Uses – It is recommended that Commercial uses have a greater degree of connectivity to the public realm whereas residential uses should have lesser degrees of connections to the public realm.

1131.08 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in rows (a) through (i) in the Permitted Accessory Uses Table a C Commercial District shall conform to the regulations of this section, and shall be landscaped and screened from view in accordance with Chapter 1166, as applicable. See Section 1131.085 for Accessory uses, buildings and structures permitted in rows (j), (k), (l), and (m).

(a) Off-Street Parking Lots. Off-street parking spaces in a parking lot may be located on the same lot as the principal use served, or may be located on a separate lot, in accordance with Section 1161.11, provided:

(1) Landscaping shall be accordance with Sections 1166.06 and 1166.07.

(2) Parking shall not be permitted in front or corner-side yards or between a principal building and a public right-of-way. Drive aisles shall not be permitted between a principal building and a public

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right-of-way.

(3) Surface parking lots that exclusively serve a specific principal use or uses to the exclusion of other principal uses on a lot are limited to a maximum of 62 feet in width. Width shall be measured along the edge of the parking lot that is closest to and parallel or roughly parallel to the street.

(b) Yard Requirements for Accessory Uses.. Accessory buildings and structures shall be located in a side or rear yard in compliance with the yard regulations for principal uses set forth in Schedule 1131.06. Accessory uses defined as Kiosks, Jewel Box Retail, Open-Air Cafes and Dining Patios may be located in a front yard or side yard that is dedicated as public or semi-public spaces to activate the public realm.

(c) Fences. Fences may be erected in any commercial district provided they comply with the following regulations:

(1) A fence located in a front yard shall have a maximum height of four (4) feet above ground level.

(2) In a rear or interior side yard, a fence shall have a maximum height of six (6) feet above ground level.

(3) In a corner side yard, a fence shall have a maximum height of four (4) feet above ground when separating residential and commercial uses,, except as required by Section 1166.07 for lots adjacent to a residential district, or unless set back 15 or more feet from the public right of way, in which case a fence shall have a maximum height of six (6) feet above ground level.

(4) Any fence within 25 feet of a public right of way and parallel or approximately parallel to such street shall be approved by the Architectural Board of Review. No chain-link fencing shall be permitted in front or corner side yard.

(5) No barbed wire fence shall be constructed or erected on any lot. Any nonconforming barbed wire fence shall be removed following five years from the adoption of the amendment to this Zoning Code which made such fence nonconforming.

(6) A fence which has the sole purpose of enclosing a seasonal outdoor activity shall be removed during the times of the year when the seasonal activity is not in operation if it causes a nuisance or limits safe travel along public sidewalks.

(7) A pergola or other freestanding structure may be permitted in front of a building, subject to Architectural Board of Review approval.

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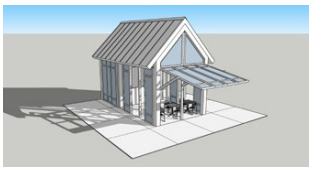
1131.085 ACCESSORY USE REGULATIONS FOR PUBLICLY ACCESSIBLE OUTDOOR SPACES.

Building Type	Permitted Districts

Kiosk

A one-story temporary or permanent structure intended to facilitate food, retail, commercial or civic services having any kitchen equipment stored completely within the kiosk. They are a maximum of 100 square feet and their placement does not impede within any pedestrian circulation path. The interior of a kiosk is not intended for the public to enter.

C-1
C-2
C-2X
C-3



Jewel Box

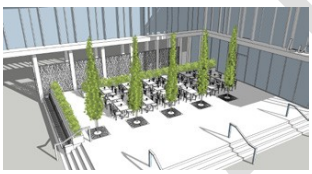
A one-story temporary or permanent structure intended to facilitate food, retail, commercial and/or civic services having any kitchen equipment stored completely within the jewel box. They are a maximum of 400 square feet and may have open air rooftop occupiable space. Their placement should not impede within any pedestrian circulation path and are operational and provide service year-round. Jewel box interiors are intended for the use of service personal and the public.

C-1
C-2
C-2X
C-3

Open-Air Cafe

A permanently unenclosed areas for dining with food and drink services provided from a kiosk or jewel box having kitchen equipment contained within the structure with permitted shade applications. Open-Air Cafes are accessible from all sides that do not abut a building façade.

C-1
C-2
C-2X
C-3



Dining Patio

A permanently unenclosed areas for dining with food and drink service provided from a restaurant in an adjacent building with permitted shade applications. Dining patios in a public, outdoor space are accessible from all sides that do not abut a building façade but are adjacent to additional public, outdoor spaces.

C-1
C-2
C-2X
C-3

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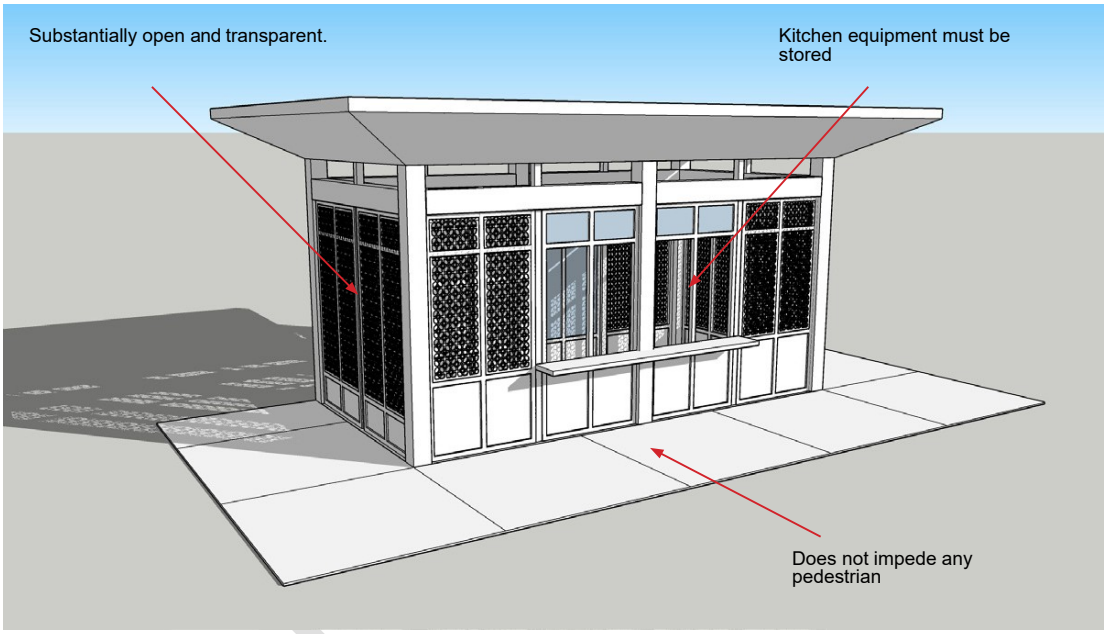
1131.085 ACCESSORY USE REGULATIONS FOR PUBLICLY ACCESSIBLE OUTDOOR SPACES.

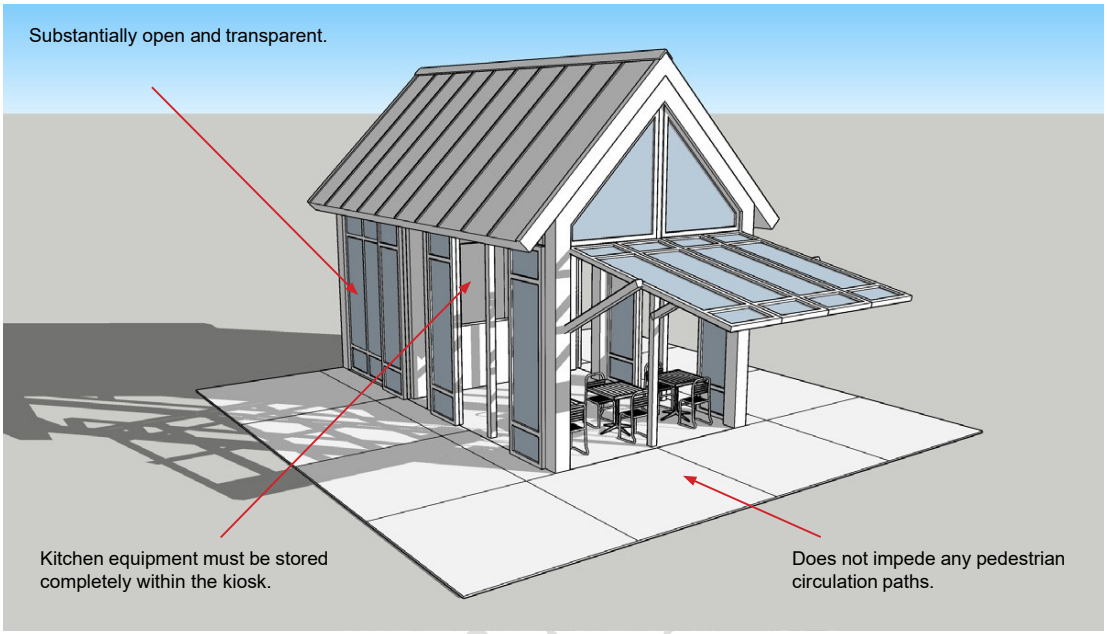
Kiosks, Jewel Box Retail, Open-Air Cafes, and Outdoor Dining Spaces

Kiosks, Jewel Box Retail, Open-Air Cafes, and Outdoor Dining Spaces are permitted in privately owned and publicly owned plaza spaces, courtyards, forecourts, and any other publicly accessible outdoor spaces. Such features shall be treated as permitted accessory uses and shall be designed to a high standard, be aesthetically pleasing and meet all applicable building codes.

(a) KIOSKS AND JEWEL BOX STRUCTURES



(1) Kiosks shall be a one-story temporary or permanent structure that is substantially open and transparent not obstruct views across the plaza space. Kiosks may be a maximum of 100 square feet. Kiosk placement shall not impede or be located within any pedestrian circulation path. Kiosks may be occupied by commercial and retail uses permitted in the applicable zoning district such as food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the publicly accessible outdoor spaces. Any kitchen equipment must be stored completely within the kiosk.



(2) Jewel Box Retail shall be a one to two story temporary or permanent structure that is substantially open and transparent so that it does not obstruct views across the plaza space. Jewel Boxes may be a maximum of 400 square feet. If the structure is more than one story, this area requirement shall apply to ground floor space only. Jewel Boxes may have open air rooftop occupiable space. Jewel Box placement shall not impede or be located within any pedestrian circulation path. Jewel Boxes may be occupied by uses that promote the public use and enjoyment of the publicly accessible outdoor spaces and adjacent retail, commercial, institutional, or personal service uses. Any kitchen equipment must be stored completely within the jewel box.

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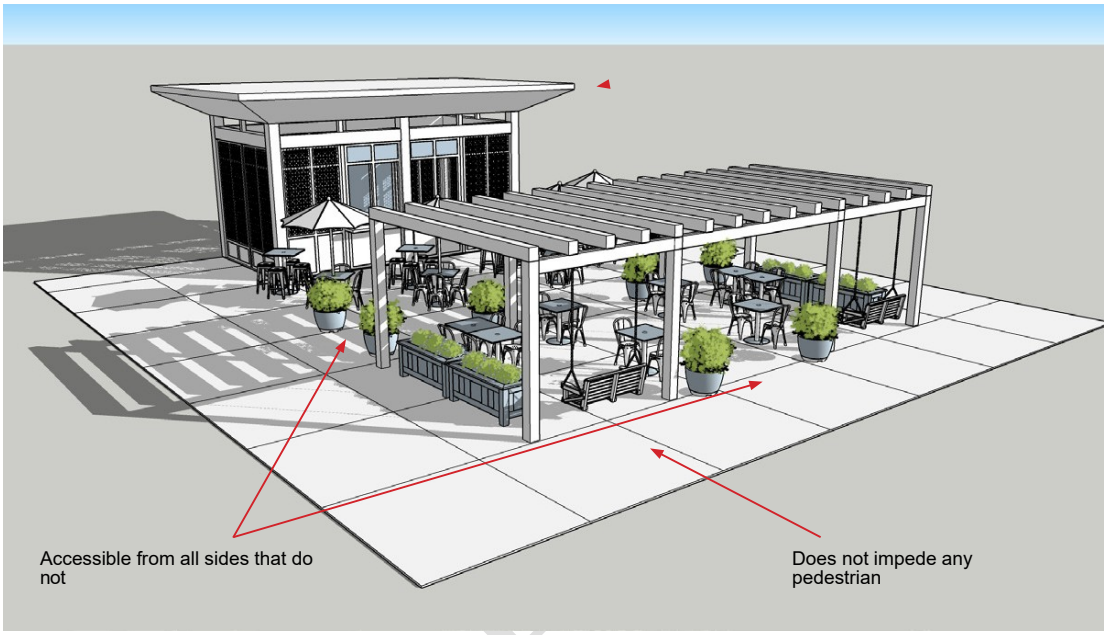
(b) OPEN-AIR CAFES AND OUTDOOR DINING



(1) Open-Air Cafes shall be areas for dining that are open to the public but not associated with a restaurant and thus do not include service. Umbrellas, shade trees in planters, temporary fabric structures, and pergolas are permitted. Open-Air Cafes shall not line more than one third of a publicly accessible outdoor space adjacent to a public sidewalk. No circulation paths meant for general pedestrian travel may move through an Open-Air Café. Open-Air Cafes must be accessible from all sides that do not abut a building façade but are adjacent to publicly accessible outdoor space. Planters, decorative low walls no taller than 42”, and other decorative features intended to define space will be permitted on the edges of Open-Air Cafes so long as they occupy no more than 60% of the perimeter and are not permanent. All furniture, fixtures and accessories of an Open-Air Cafe shall be completely removed when the café is not in service unless they are intended for use by the public when the café is not open.

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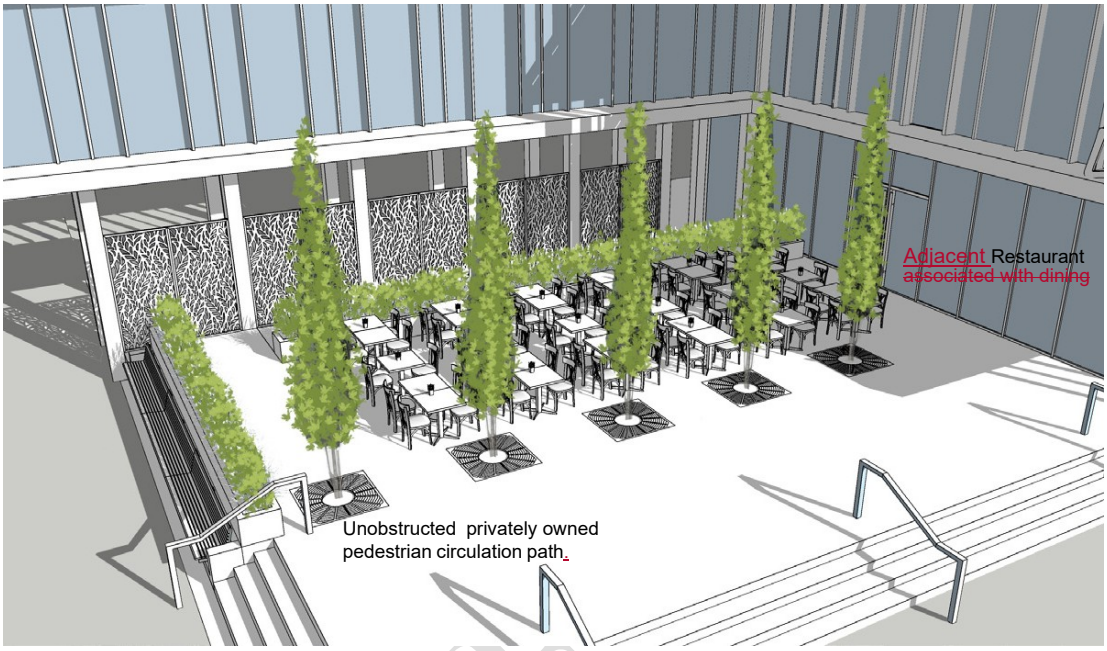

(2) Outdoor Dining Spaces shall be areas for dining by restaurant patrons with food and drink service provided from that restaurant which is located in an adjacent building as allowed by applicable zoning codes. Outdoor Dining Spaces shall not line more than one third of a publicly accessible outdoor space adjacent to a public sidewalk. No circulation paths meant for general pedestrian travel may move through an Outdoor Dining Space. Planters, decorative low walls no taller than 42", and other decorative features intended to define the Outdoor Dining Space will be permitted, so long as they are not permanent. Umbrellas, shade trees in planters, and pergolas are permitted.

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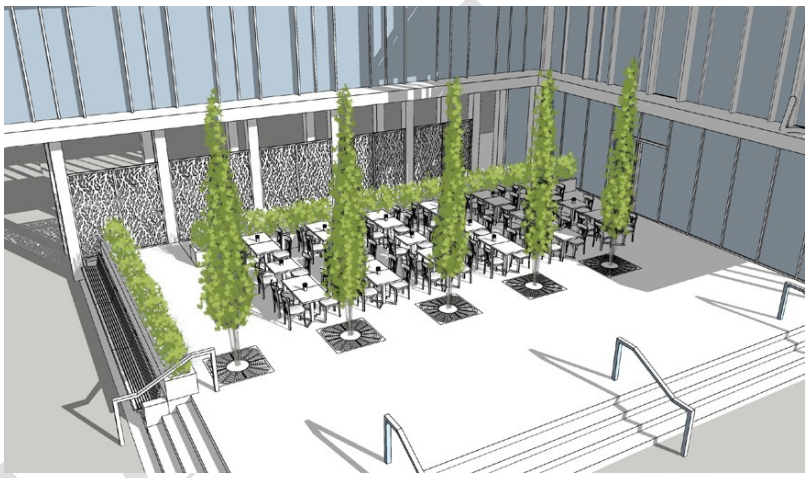

(3) Requirements for Open-Air Cafes & Outdoor Dining Patio Spaces

(i) Open-Air Cafes and Outdoor Dining Spaces shall occupy no more than 20 percent of a publicly accessible outdoor space. This shall be calculated using all areas intended for open-air dining within the plaza even if they are not connected. Kiosks and Jewel Box structures that serve Open-Air Cafés and Outdoor Dining Spaces shall not be included in the area measurement.

1131.09 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.

In addition to the above regulations, gasoline stations permitted in a C-3 General Commercial District shall comply with the following standards:

(a) Gasoline stations located on a corner lot shall have not less than 100 feet frontage on each of the two (2) intersecting streets.

(b) Fuel pumps may be erected in a front yard but not less than twenty-five (25) feet from the public right of way.

(c) Pavement to provide access to a gasoline pump shall be located no less than fifteen (15) feet from the public right-of-way. The resulting open space shall be landscaped and maintained in satisfactory condition and, except for entrance and exit drives and permitted signs, shall not be used for any other purpose.

(d) A canopy may be constructed over the pump island provided the canopy shall be no closer than fifteen (15) feet to the right of way.

(e) The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air and windshield wiper fluid.

(f) The location, display or storage of rental trailers, automobiles, trucks or other rental equipment on the premises is not permitted.

(g) No merchandise, except fuel and oil, may be stored or displayed outside the building.

(h) Except while being serviced at a pump island, no vehicles shall be parked between the pump setback line and the front property line; nor on a corner lot shall any vehicles be parked between the pump setback line and the property line on either of the intersecting streets. A vehicle parked in violation hereof during the time such station is open for business shall be presumed to have been so parked with the knowledge and consent of the operator of that station.

(i) No junk, inoperative or unlicensed motor vehicles will be permitted to remain on gasoline station property for more than forty-eight (48) hours.

(j) All refuse shall be kept or stored within the building, or be screened from view as required by Section 1166.10.

(k) All outdoor wiring, including electrical and telephone wiring, shall be installed underground.

(m) A landscaped area at least fifteen (15) feet wide shall be provided on private property adjacent to the public sidewalk areas, except where interrupted by driveways.

(n) Locations where such use abuts a residential district or use shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, standard shrubs and standard trees, pursuant to Section 1166.07.

1131.10 SUPPLEMENTAL REGULATIONS FOR AUTOMOBILE SALES/RENTAL.

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In addition to the above regulations, business establishments for automobile sales, new or new and used, or automobile rental permitted in a C-3 General Commercial District shall comply with the following standards:

(a) Sale of new automobiles means a building and land used by a franchised automobile dealer principally for the sale of new automobiles. The sale of used automobiles may be permitted as an accessory use provided the inventory of used automobiles does not exceed fifty percent (50%) of the overall inventory at any one (1) time.

(b) Service garage, leasing department and other activities customarily incidental to a full-service franchised automobile dealer shall be permitted as accessory to the sale of automobiles provided these activities are conducted in a wholly enclosed building.

(c) Only repair of automobiles customarily associated with automobile sales shall be permitted, and shall be conducted inside a suitable building.

(d) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight (48) hours.

(e) All outdoor wiring, including electrical and telephone wiring, shall be installed underground.

(f) Locations where such use abuts a residential district or dwelling shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, standard shrubs and standard trees, pursuant to Sections 1166.06 and 1166.07.

1131.11 SUPPLEMENTAL REGULATIONS FOR OUTDOOR DISPLAY, SALES OF GOODS.

The sale or service of food outside of a building; or the display or sale outside of a building of house furnishings, merchandise or vehicles, shall only be permitted as specified below:

(a) The display of liquid fuel and oil at a gasoline station or automobile service station;

(b) The display of automobiles and other rental vehicles as permitted in the C-3 District or for which a conditional use permit has been obtained pursuant to Chapter 1153.

(c) The sale or display of flowers, plants, shrubs and trees in the open in connection with a nursery flower mart, landscape business for which a conditional use permit has been obtained pursuant to Chapter 1153.

(d) An outdoor dining facility for which a conditional use permit has been obtained pursuant to Chapter 1153.

(e) An outdoor dining facility or outdoor sales of goods in conjunction with a duly authorized festival.

1131.12 SUPPLEMENTAL REGULATIONS FOR OFF-STREET PARKING DECKS AND PARKING GARAGES.

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Off-street parking decks and parking garages may be located on the same lot as the principal use, or may be located on a separate lot in accordance with Section 1161.06, and shall comply with the following standards:

(a) All parking decks and parking garages shall be approved by the Architectural Board of Review.

(b) A parking deck or private parking garage shall comply with the yard requirements for a principal use specified in Schedule 1131.06 except that open parking decks and open private parking garages in which vehicles are visible from the street shall be located not less than fifteen (15) feet from a public right of way.

(c) Open parking decks and open private parking garages shall be landscaped according to the requirements established in Section 1166.06.

1131.13 SUPPLEMENTARY REGULATIONS FOR LIVE/WORK DWELLINGS IN COMMERCIAL DISTRICTS.

In all Commercial Districts (C1, C2, C-2X and C3), the Planning Commission may conditionally permit a live/ work dwelling subject to the following standards:

(a) The following uses are permitted in a live/work dwelling. Only one (1) such use is permitted per dwelling:

(1) Arts Studio

(2) Medical/Dental Clinic – One of the licensed practitioners in the business must be the owner and resident in the dwelling.

(3) Office

(4) Other uses possessing characteristics similar to the above-mentioned uses with respect to the absence of noise, vibration, fire hazards, explosion hazards, smoke, or other health or environmental conditions that would be incompatible with habitation.

(b) Conversion is subject to the following design and performance standards and approval by the Architectural Board of Review.

(1) Windows shall provide views into the work portion of the unit to allow people to see and be seen for passive security and to encourage pedestrian activity and district vitality.

(2) All conversions shall be designed to be visually compatible with nearby commercial buildings.

(3) The principal entrance for the non-residential use must be a direct entry from the primary abutting street.

(4) The owner of the business must reside in the dwelling and have a legal right to do so as either the fee simple owner or tenant/lessee.~~be the owner and resident of the dwelling.~~

(5) Parking requirements shall only be calculated for the non-residential part of the dwelling. No additional off-street parking is required for the residential use.

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1131.14 C-2X MULTIPLE USE DISTRICT.

The C-2X Multiple Use District shall be governed by the following regulations:

(a)
(b)
(c)
(d)

(e) Lot Area and Width Regulations: There shall be no minimum area or width requirements for lots in C-2X Districts.

(f) Yard Requirements: Yard requirement shall be as set forth in the following table:

Yard	*C-2X District Minimum*	*C-2X District Maximum*
Primary Front	0	12 (b)
Yards abutting a C or S District		
Side	0	No max. depth
Rear	5	No max. depth
Secondary Front (a)	0	No max. depth (b)
Yards abutting an MF-1 District		
Side and rear	15	No max. depth
Yards abutting an MF2 & MF3 District		
Side	0	No max. depth
Rear	10	No max. depth
Secondary Front (a)	0	No max. depth(b)(c)
Mixed Use and Multifamily C-2X Use Yards abutting an AA, A or B District		
Side	See section 1131.16 Transition Zone Standards	
Rear	10	
Townhouse C-2X Use Yards abutting an AA, A or B District		

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Side and rear	10 if habitable structure within 15 feet on adjacent parcel 0 if no habitable structure within 15 feet on adjacent parcel	No max. depth
Secondary Front (a)	10	No max. depth
Yards abutting a Park District		
Side	0	No max. depth
Rear	0	No max. depth

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Notes

(a) For the purposes of measuring front and secondary front in C-2X Districts, the yard shall be measured from the "built-to" line, which shall be a line running along the inner edge of the existing public sidewalk.

(b) The Planning Commission may conditionally approve a front or secondary front use, other than parking, that would result in a building being set back more than the maximum distance permitted from the "built-to" line. See Section 1131.15 for examples of appropriate conditions for frontage zones that join the building to the public right-of-way. Proper frontage zone conditions shall be part of all designs whether they occur within the right-of-way or on private property.

(c) Secondary Frontages shall be treated as front facades on secondary streets and should include architectural frontage treatments appropriate to the street they face. These frontages shall relate and transition well to the existing context on the secondary street. Where secondary frontages meet a side yard of an adjacent property, side yard transition zones shall be designed in accordance with Section 1131.16 Side Yard Transition Zones Standards.

(g) Frontage Zone Requirements: Frontage zone requirements shall be as set forth in Section 1131.15 C2-X Frontage Standards.

(h)

(1)

(2)

(3)
(4)

(i) District Boundaries: All properties within a C-2X District shall be within convenient walking distance of a system of public parking facilities, and the District shall contain one or more businesses which habitually draw a substantial number of customers from the region outside of Cleveland Heights as well as from Cleveland Heights residents.

(j) Other Regulations: All other regulations in the Zoning Code pertaining to commercial properties shall be applicable to properties within the C-2X Zoning District unless inconsistent with the above regulations in which case the above regulations shall govern.

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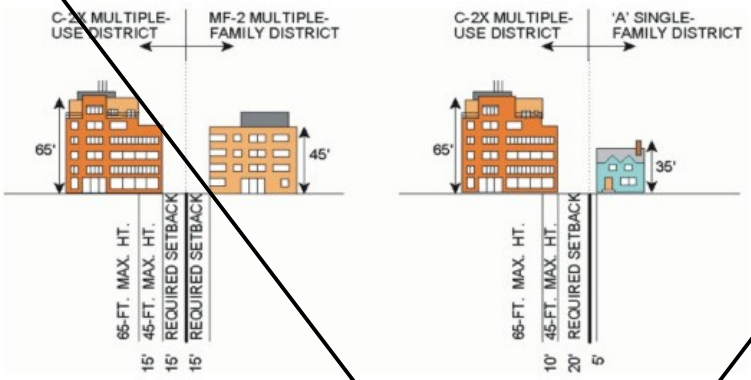
The illustration below depicts the height limitation that would apply to C-2X properties bordering residential zoning districts.



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1131.15 C-2X FRONTAGE STANDARDS

All buildings in C-2X Districts shall have architectural frontages and frontage zones in front of the building that connect buildings to the public realm and mediate the transition from private interior spaces to public spaces on the sidewalk.

The permitted frontage types within the C2-X District are:

(a) Arcade – A frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage / build-to line. This type is conventional for retail use. The arcade shall be no less than twelve (12) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.

(b) Common Yard – A frontage wherein the facade is set back substantially from the frontage / build-to-line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape.

(c) Forecourt – A frontage wherein a portion of the facade is close to the frontage / build-to line and the central portion is set back. the forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.

(d) Gallery – A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than ten (10) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.

(e) Light Court – A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.

(f) Porch and Fence – A frontage wherein the facade is set back from the frontage / build-to line with an attached porch permitted to encroaching. A fence at the build-to line (optional) maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.

(g) Stoop – A frontage wherein the facade is aligned close to the frontage / build-to line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground floor residential use.

(h) Shopfront and Awning – A frontage wherein the facade is aligned close to the frontage / build-to line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.

(i) Terrace – A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.

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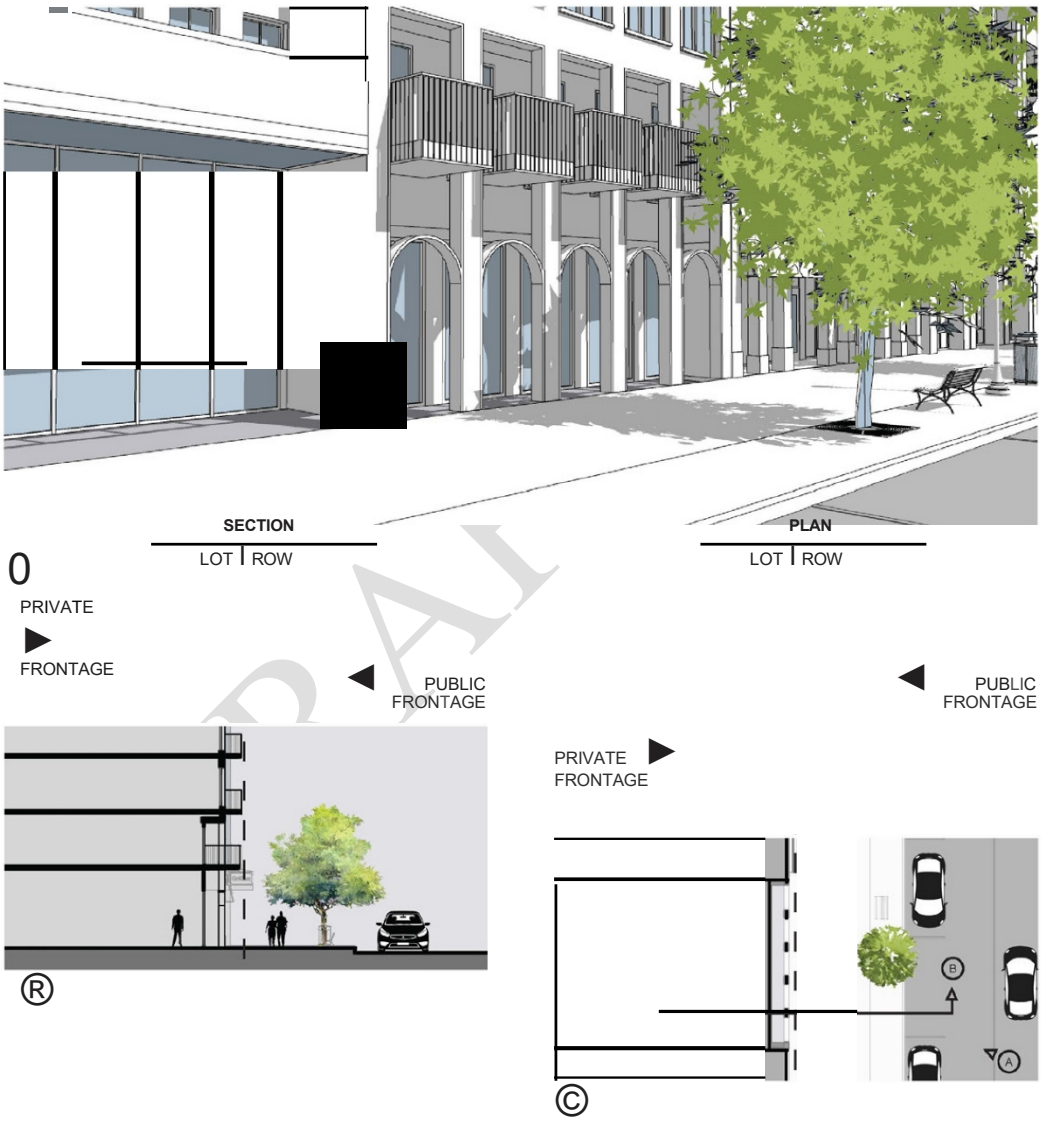
Schedule 1131.15a ARCADE (a)

A frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage / build-to line. This type is conventional for retail use. The arcade shall be no less than twelve (12) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.



1 Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and

Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

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Schedule 1131.15b COMMON YARD (b)

A frontage wherein the facade is set back substantially from the frontage / build-to line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape.

SECTION

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PLAN

LOT IROW

LOT/ ROW

PRIVATE ►I ◄

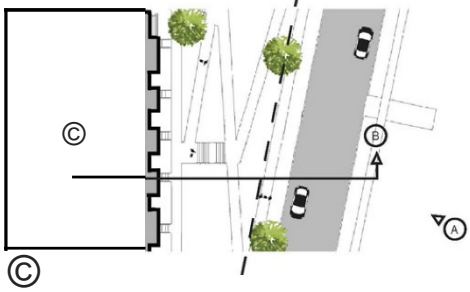
PUBLIC

FRONTAGE I

FRONTAGE

PRIVATE ► /◄ PUBLIC

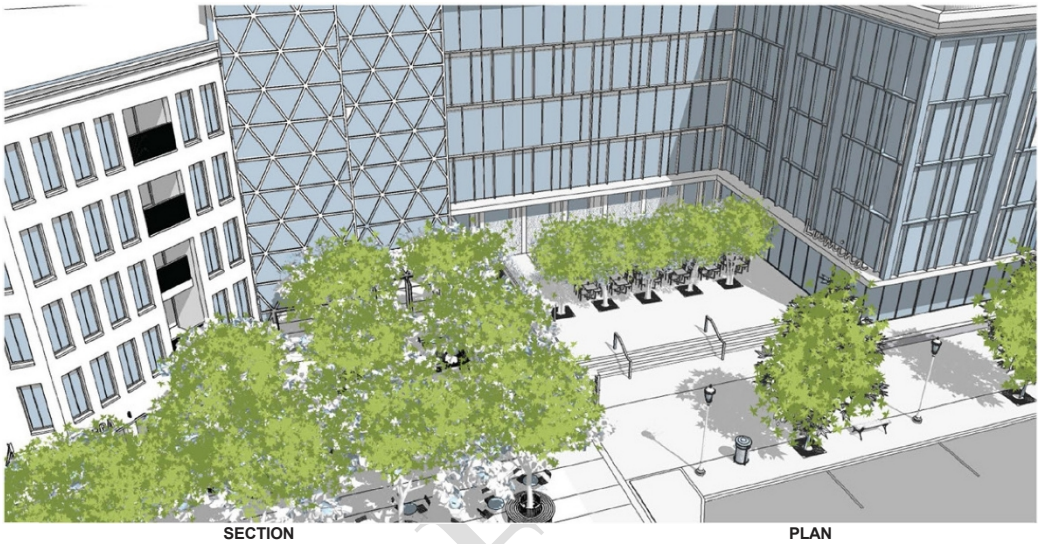
FRONTAGE FRONTAGE



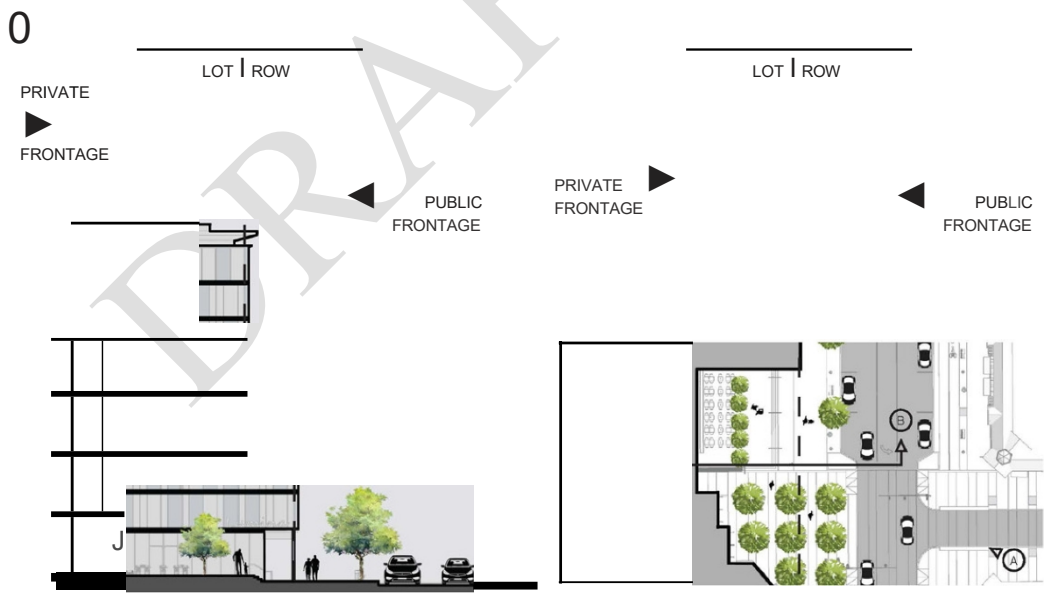
Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley &amp: Sons, 2015. Print

Schedule 1131.15c FORECOURT (c)

A frontage wherein a portion of the facade is close to the frontage / build-to line and the central portion is set back. the forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.



SECTION PLAN



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Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

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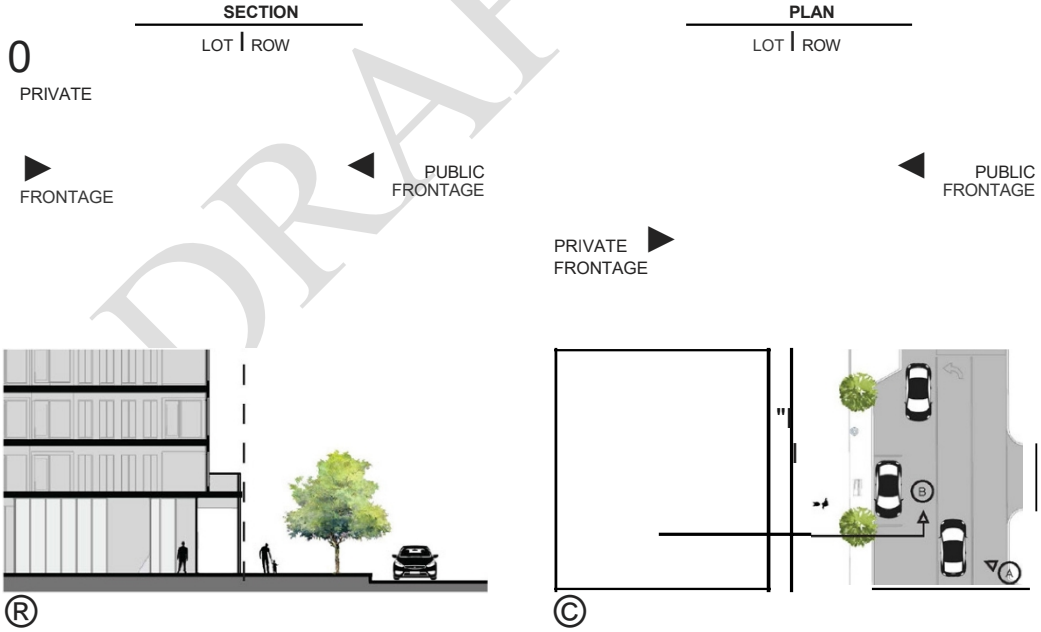
Schedule 1131.15d GALLERY (d)

A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than ten (10) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.



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Parolek, Daniel G , and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken,

NJ: John Wiley & Sons, 2015. Print.

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Schedule 1131.15e LIGHT COURT (e)

A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.

SECTION

LOT | ROW

PLAN

LOT | ROW

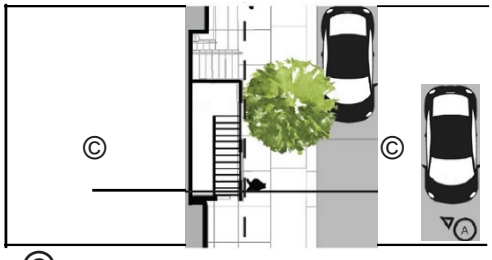
0

PRIVATE FRONTAGE

PUBLIC FRONTAGE

PUBLIC FRONTAGE

PRIVATE FRONTAGE



Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ:

DRAFT

John Wiley & Sons, 2015. Print.

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Schedule 1131.15f PORCH AND FENCE (f)

A frontage wherein the facade is set back from the frontage/ build-to line with an attached porch permitted to encroaching. A fence at the build-to line (optional) maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.

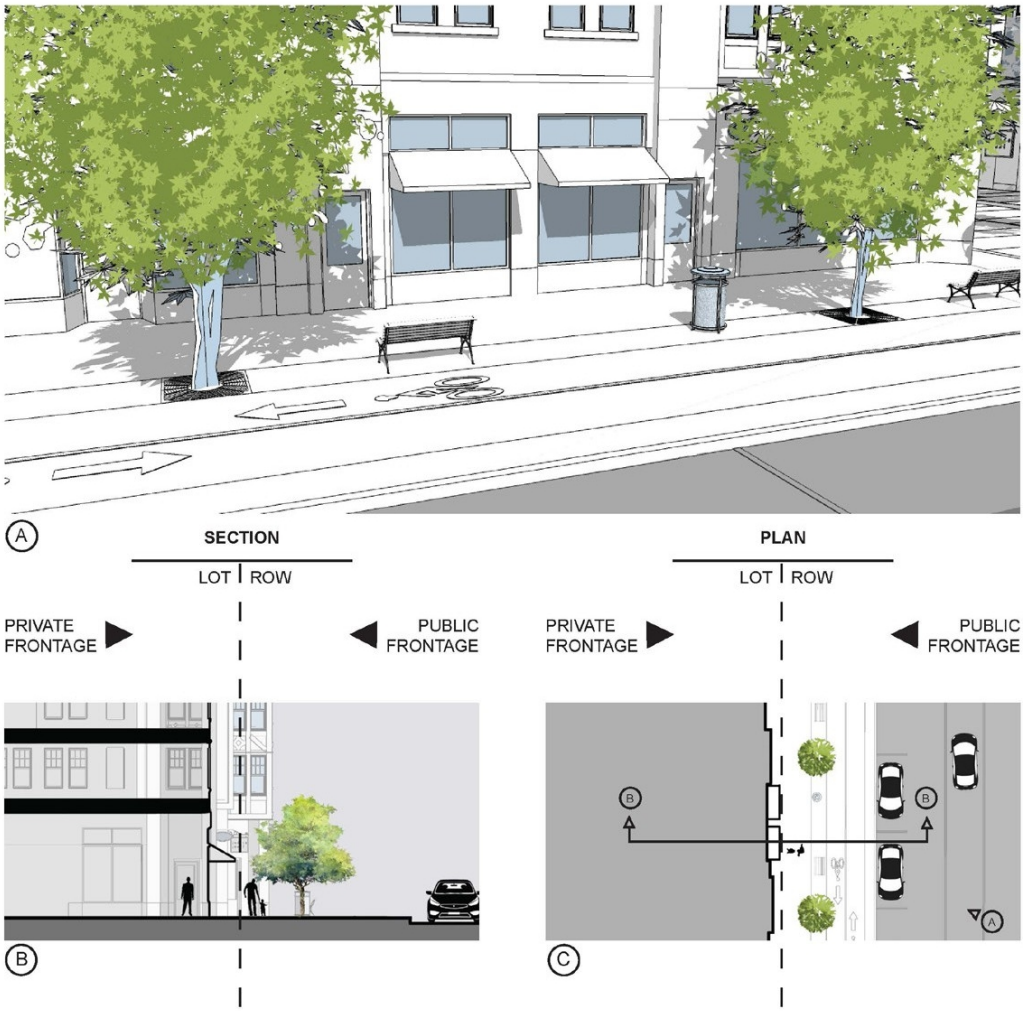
Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

Schedule 1131.15g STOOP (g)

A frontage wherein the face is aligned close to the frontage / build-to line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground floor residential use.

1 Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

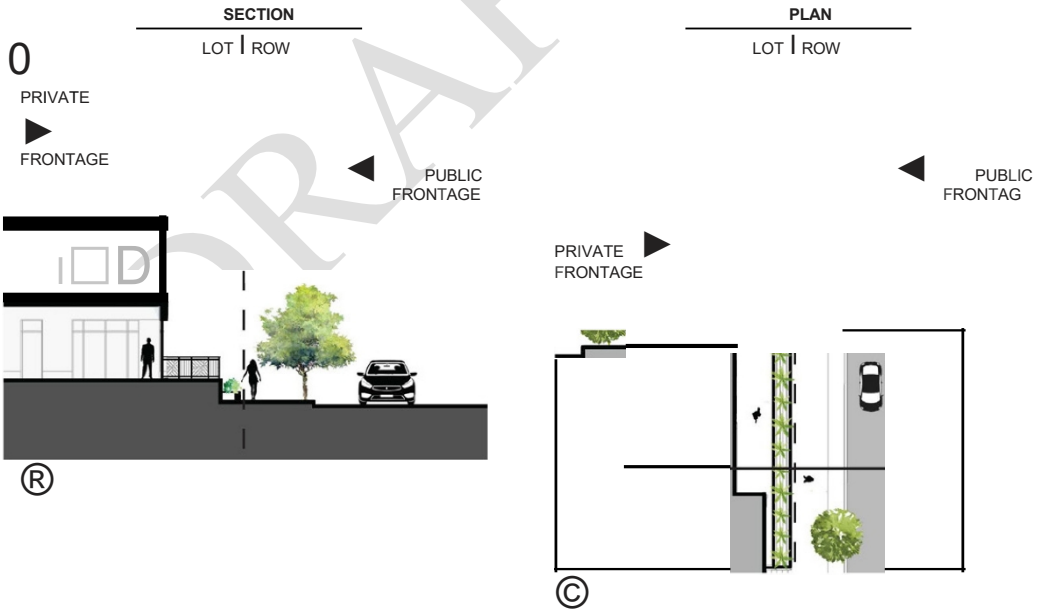
Schedule 1131.15h SHOPFRONT AND AWNING (h)
A frontage wherein the façade is aligned close to the frontage / build-to line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.



1 Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

Schedule 1131.15i TERRACE (i)

A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.



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1131.16 C-2X SIDE YARD TRANSITION ZONE STANDARDS

When possible, transitional zoning techniques shall be used to manage transitions from high density and intense land uses to low density and less intense land uses. All buildings in C-2X Districts shall utilize transition zones of widths determined by the use of the adjacent zone. Transition zones in a C-2X parcel shall be equal to the width of the adjacent residential parcel when it is an AA, A, B, and MF-1 District. When a C-2X District is immediately adjacent to a low density residential use (AA, A, B, and MF-1 Districts), design elements shall be used to create a reasonable buffer that protects the quality of life for those on residential parcels. The following design tools shall be employed in this effort.

Transition zone elements are as follows:

(a) Sideyard Setback Distance – In general, the more different the adjacent zone is in intensity of use and density to the C-2X Zone, the greater the side yard setback distance. See the chart in Section 1131.14.

(b) Front Setback – As the building approaches the adjacent parcel, it shall setback to more closely approach the setback of the building on the adjacent parcel. This setback must be a minimum of 40% of the setback of the adjacent parcel's building. The setback as measured is the distance from the back side of the sidewalk to the facade of the building. The setback for the building in the C-2X District shall begin at the point where the transition zone starts. The utilization of frontage zone techniques and transitional setbacks of the building's massing are encouraged to develop a reasonable architectural transition. Where the entire building facade is already setback and utilizes appropriate frontage design techniques, no additional setback is required.

(c) Upper Floor Stepbacks – As the building approaches the adjacent parcel, its height shall use floor setbacks to allow for appropriate transitions from high density, intense land uses to lower density and less intense land uses. Buildings on C-2X parcels shall stepback on floors above 45 feet. Stepbacks shall be a minimum of 6 feet. When possible, greater stepbacks are encouraged when they create useable terrace or rooftop space that looks out to the street or the rear yard, but is not encouraged to look out to the adjacent parcel for privacy purposes.

(d) Landscaping and Fencing – Where a C-2X District abuts an AA, A, B, or MF-1 District, a combination of landscaping and fencing shall be used to develop a reasonable buffer that protects the privacy of the residential neighbor.

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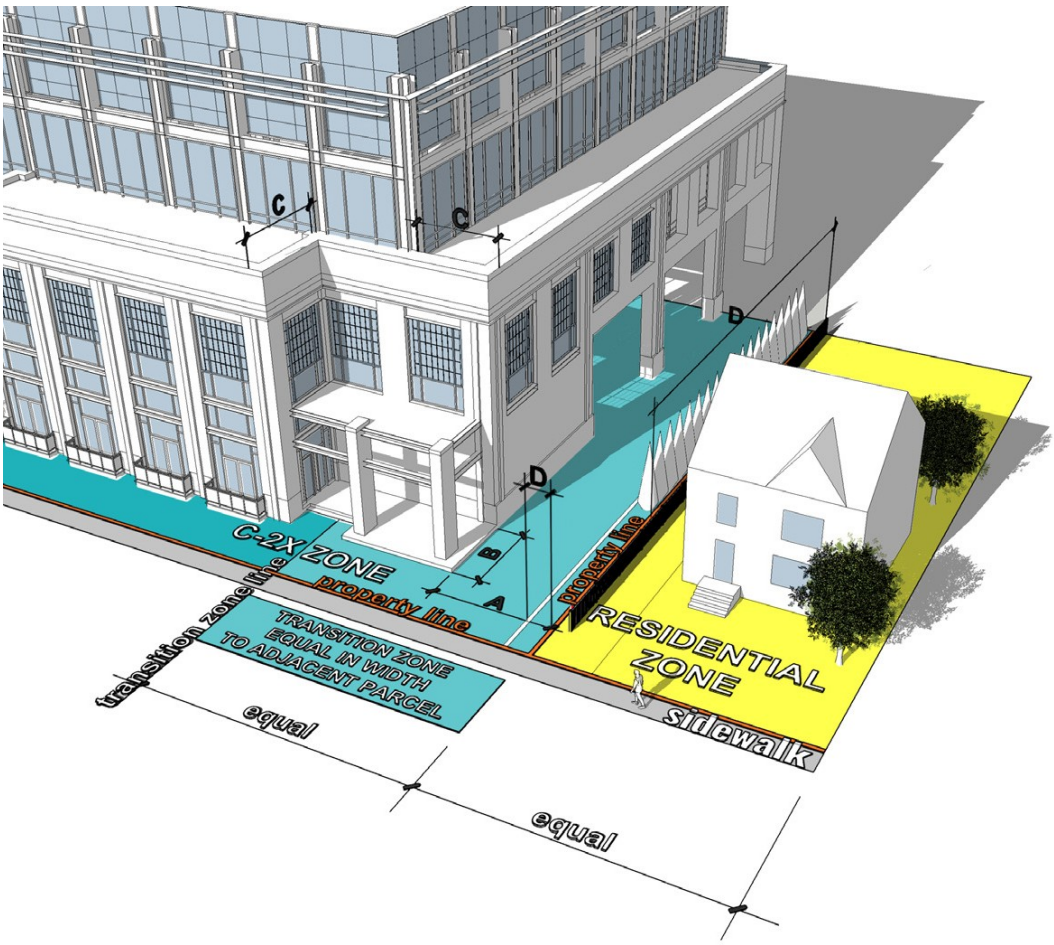
1131.16 C-2X SIDE YARD TRANSITION ZONE STANDARDS



A - Sideyard Setback Distance

B - Front Setback

C - Upper Floor Stepbacks

D - Landscaping and Fencing

Proposed: 11/20/2023

ORDINANCE NO. 188-2023(PD), First Reading

By Mayor Seren

An Ordinance amending the Zoning Map of the City of Cleveland Heights to rezone the parcels along South Taylor Road, generally from Euclid Heights Boulevard south the Cedarbrook Road, and transmitting the same to the Planning Commission.

WHEREAS, pursuant to Section 1119.02 of the Codified Ordinances of the City of Cleveland Heights, this Council may by Ordinance and upon its own initiative, introduce amendments to the official Zoning Map of the City of Cleveland Heights; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights, after the introduction of such amending Ordinance by Council, such amending Ordinance shall be transmitted to the Planning Commission for its consideration and recommendation; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights the Planning Commission shall be allowed a reasonable time, not less than thirty (30) days and nor more than sixty (60) days, for its consideration and recommendations; and

WHEREAS, in the context of new investment along South Taylor Road, the desire of the City to see South Taylor Road and the neighborhoods that are adjacent to it thrive, and the overall objective of the City to improve and streamline its zoning and approval processes, the existing zoning along South Taylor Road was reviewed; and

WHEREAS, as part of that review, the City's commercial districts, including the C-2X Multiple-Use District, were examined; and

WHEREAS, it was determined by staff that the C-2X District, as amended, would best promote a more cohesive and unified mixed-use district along South Taylor Road; and

WHEREAS, pursuant to Section 1119.02(g) of the Codified Ordinances of the City of Cleveland Heights, such Zoning Map change is consistent with the adopted 2017 City of Cleveland Heights Master Plan, notably Goal E, Continue to Promote Sustainability Through the City Regulations, Such as the Adopted Sustainable Zoning Code Amendment; and

WHEREAS, staff preliminarily and conceptually discussed changes to the C-2X District with key property owners and stakeholders along the South Taylor Road corridor in August, September, and October 2023; and

WHEREAS, staff preliminarily and conceptually presented changes to the C-2X District at the October 11, 2023 Planning Commission meeting as part of the discussion of their Annual Code Review.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights**,** County of Cuyahoga**,** State of Ohio, that:

SECTION 1. Pursuant to Section 1119.02 of the Codified Ordinances, this Council hereby introduces amendments to the official Zoning Map of the City of Cleveland Heights, as set forth in **Exhibits A** and **B** attached hereto.

SECTION 2. Pursuant to Section 1119.03 of the Codified Ordinances, this proposed amending Ordinance shall be transmitted to the Planning Commission.

SECTION 3. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

_____
MELODY JOY HART
President of the Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

_____
KAHLIL SEREN
Mayor

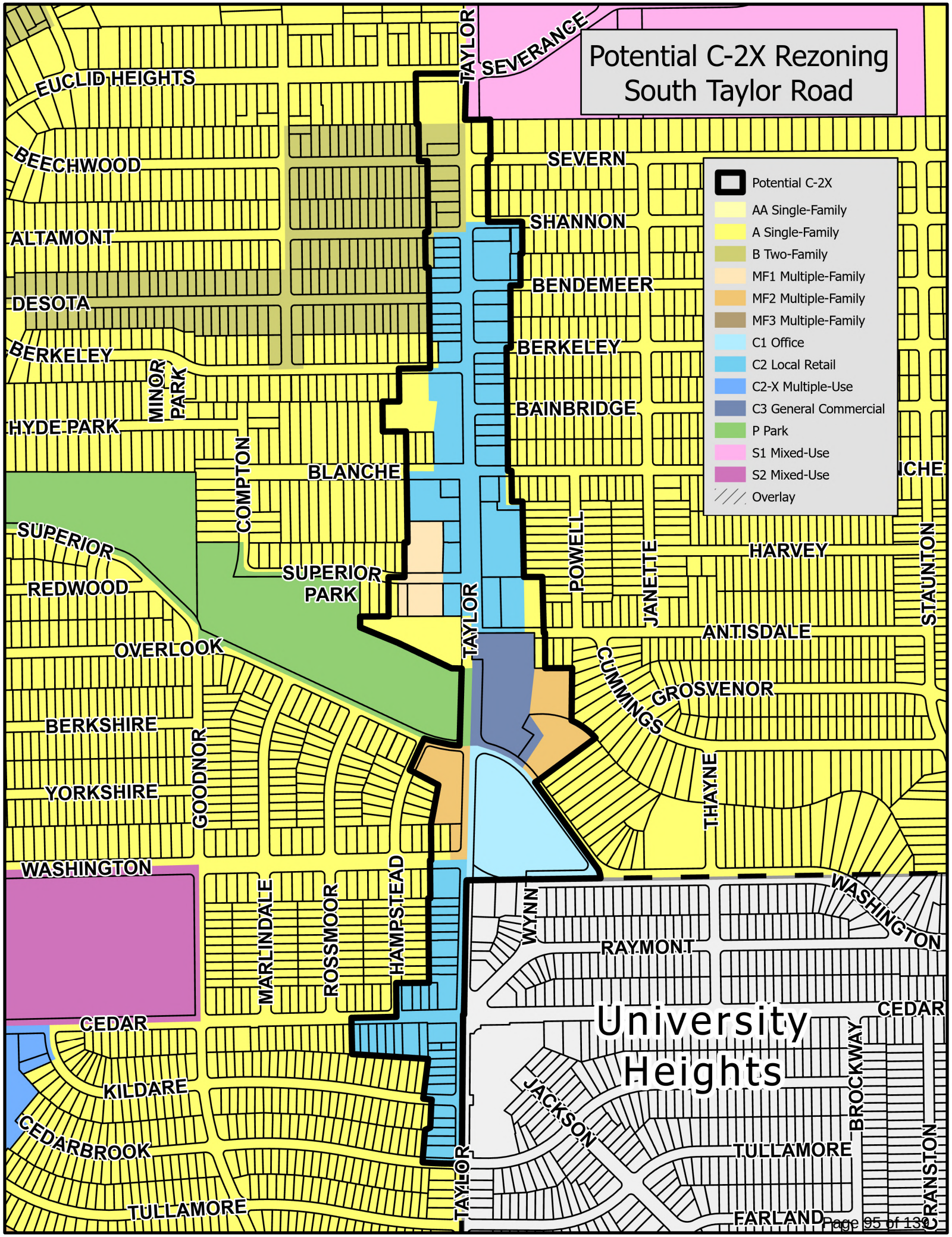

Potential C-2X Rezoning
South Taylor Road
Potential C-2X
AA Single-Family
A Single-Family
B Two-Family
MF1 Multiple-Family
MF2 Multiple-Family
MF3 Multiple-Family
C1 Office
C2 Local Retail
C2-X Multiple-Use
C3 General Commercial
P Park
S1 Mixed-Use
S2 Mixed-Use
Overlay
EUCLID HEIGHTS
BEECHWOOD
ALTAMONT
DESOTA
BERKELEY
MINOR PARK
HYDE PARK
COMPTON
BLANCHE
SUPERIOR
REDWOOD
SUPERIOR PARK
OVERLOOK
BERKSHIRE
GOODNOR
YORKSHIRE
WASHINGTON
MARLINDALE
ROSSMOOR
HAMPSTEAD
CEDAR
KILDARE
CEDARBROOK
TULLAMORE
TAYLOR
SEVERANCE
SEVERN
SHANNON
BENDEMEER
BERKELEY
BAINBRIDGE
POWELL
JANETTE
HARVEY
STAUNTON
ANTISDALE
CUMMINGS
GROSVENOR
THAYNE
WASHINGTON
WYNN
RAYMONT
University Heights
CEDAR
BROCKWAY
JACKSON
TULLAMORE
CRANSTON
FARLAND

Exhibit B
List of Parcels

PPN	Parcel Address
68320001	3471 SEVERN RD, CLEVELAND HEIGHTS, OH, 44118
68320025	3472 SEVERN RD, CLEVELAND HEIGHTS, OH, 44118
68320026	3471 SHANNON RD, CLEVELAND HEIGHTS, OH, 44118
68320050	3484 SHANNON RD, CLEVELAND HEIGHTS, OH, 44118
68320052	1771 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68320055	1801 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68320056	1805 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68320057	1815 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68320083	3485 BENDEMEER RD, CLEVELAND HEIGHTS, OH, 44118
68320095	1789 S TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321001	1831 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321002	1831 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321003	1831 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321004	1839 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321006	1855 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321007	1857 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321008	1865 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321009	1869 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321011	1895 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321012	1899 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321013	1901-1925 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68321016	0 ANTISDALE NO SUFF, CLEVELAND HEIGHTS, OH, 44118
68321017	1941 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68322001	1985 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68322007	2045 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68322023	14780 SUPERIOR RD, CLEVELAND HEIGHTS, OH, 44118
68426001	1840 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68426008	1890 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68426009	1892 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68426011	1908 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68426012	1912-26 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68426013	3433 SUPERIOR PARK DR, CLEVELAND HEIGHTS, OH, 44118
68426077	3441 BLANCHE AVE, CLEVELAND HEIGHTS, OH, 44118
68426078	3437 BLANCHE AVE, CLEVELAND HEIGHTS, OH, 44118
68426079	3433 BLANCHE AVE, CLEVELAND HEIGHTS, OH, 44118
68427001	1932-46 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68427002	1970 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68427007	0 SUPERIOR PARK DR, CLEVELAND HEIGHTS, OH, 44118
68427008	3428 SUPERIOR PARK DR, CLEVELAND HEIGHTS, OH, 44118
68427009	3440 SUPERIOR PARK DR, CLEVELAND HEIGHTS, OH, 44118
68429012	1700 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429017	1732 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429018	1742 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429019	1746 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429020	1752 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429021	1758 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429022	1762 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429023	1776 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429024	1780 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429025	1784 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429026	1788 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429027	1794 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429028	1808 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429029	1812 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429030	1816 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429031	1822 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429032	1828 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68429034	3447 BERKELEY RD, CLEVELAND HEIGHTS, OH, 44118
68429092	3444 ALTAMONT AVE, CLEVELAND HEIGHTS, OH, 44118
68429093	3447-49 ALTAMONT AVE, CLEVELAND HEIGHTS, OH, 44118
68704001	2030 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118

Exhibit B
List of Parcels

68704061 3441 WASHINGTON RD, CLEVELAND HEIGHTS, OH, 44118
68704062 3445 WASHINGTON BLVD, CLEVELAND HEIGHTS, OH, 44118
68704063 0 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705001 2060 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705048 13427 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68705049 13431 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68705050 13433 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68705051 13439 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68705052 2118 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705055 2108 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705056 2104 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705057 2096 (02086) SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705059 2084 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705060 2078 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705061 2070 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705062 2066 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68705063 2062 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707028 2206 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707029 2204 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707030 2200 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707031 2190 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707032 2186 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707033 2184 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707034 2176 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707035 2172 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707036 2168 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707037 2166 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707038 2160 SOUTH TAYLOR RD, CLEVELAND HEIGHTS, OH, 44118
68707039 13442-13446 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68707040 13450 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68707041 13434 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68707043 13426 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68707044 13420 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68707045 27050 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68707046 27050 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68707047 13430 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68707048 27050 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118
68707165 13440 CEDAR RD, CLEVELAND HEIGHTS, OH, 44118

Proposed 11/20/2023

ORDINANCE NO. 189-2023(CRR), *First Reading*

By Councilmember Russell

An Ordinance enacting and adopting a new Chapter 146, to be entitled *Parks and Recreation Youth Advisory Board.*

WHEREAS, Cleveland Heights City Council recognizes that our youth are our future and a very important part of our community. Their opinion, advice, recommendation, creativity, and their Involvement in recreation programming, community relations, parks maintenance, and the creation of recreational spaces is vital to a healthy and vital community; and.

WHEREAS, the purpose of creating a Parks and Recreation Youth Advisory Board is to promote the involvement of youth aged 15 to 23 and provide opportunities for them to share their thoughts, ideas and concerns about matters that truly matter to them; and

WHEREAS, as members of the Parks and Recreation Youth Advisory Board young people will influence local decision-making, provide insights and perspectives that will be pivotal in shaping political decisions that affect Cleveland Heights in matters related to parks and recreation, youth programming, and community relations within the city of Cleveland Heights, and impact how our community tackle essential issues directly; and

WHEREAS, their participation as Board members will enable them to advocate for important causes for themselves and their peers and to drive positive change through collaboration with local officials, community leaders, and organizations; and

WHEREAS, serving on the Parks and Recreation Youth Advisory Board can help youth develop essential personal and professional growth, leadership, communication and teamwork skills that will prove valuable over their lifetime.

BE IT ORDAINED, by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby adopts and enacts a new Chapter 146, to be entitled *Parks and Recreation Youth Advisory Board,* which shall read as follows:

146.01 Composition and Membership

The Parks and Recreation Youth Advisory Board should consist of up to 9 youth members aged 15 to 23 years, at the time of their appointment, who are residents of Cleveland Heights, who shall be appointed by application to City Council: six (6) from public high schools (Heights High School and/or Shaw High School), with

recommendation from the superintendent, designee or school counselor of such school(s) (two (2) freshmen, two (2) sophomores and two (2) juniors), without reference to GPA, and three (3) from private, parochial or home-schooled entities. In addition, there shall be three (3) nonvoting adult Board members: the Chair of Council's Community Relations and Recreation Committee, a Cleveland Heights Library administrator, and a Cleveland Heights High school teacher appointed by a Cleveland Heights High School administrator.

Members of the Board shall be appointed by the City Council, shall serve for a term of two years and may be reappointed for one additional term. A youth member initially appointed with the recommendation of a designated school official may be reappointed to one additional two-year term beginning in or after their senior year without the need for school official recommendation. Two-year terms shall commence October 1st and end May 30 of the second year following the year in which the October 1 appointment is made.

City Council, as well as the school administrators recommending student members to Council for appointment to the Board shall seek to make appointments that fairly represent the diversity of the city, taking into account important considerations such as geographic diversity and diversity of race, ethnicity, age, gender, sexual identity and orientation.

146.02 Responsibilities and Duties

(a) The Board shall provide recommendations and advice to the Recreation Advisory Board and the Community Relations and Recreation Committee Chair, and may provide recommendations to Council and relevant city departments directors or designees on matters related to parks and recreation including but not limited to the development of recreational programs, parks maintenance and the creation of recreational spaces.

(b) The Board shall promote positive community relations and engagement among youth of all ages by organizing events, workshops, and initiatives that encourage interaction and understanding among different age segments of our community along with engaging in the commission on aging to help promote senior activity between the youth and senior in our community.

146.03 Meetings and Procedures

(a) The Board shall meet at least nine times per year, with a schedule of regular meetings to be determined by the Board. All meetings shall be open to the public. At least annually, the Board shall hold a youth open public town hall meeting to report and summarize its activities, accomplishments, recommendations and concerns. A copy of the report will be provided to the Council and the Mayor in advance of the public meeting. Board meetings shall be held at City Hall or as otherwise authorized by the Codified Ordinances

(b) A majority of voting members shall constitute a quorum and Board action shall require the affirmative vote of at least five (5) members.

(c) The Board may establish its own bylaws, subject to approval of the City's Director of Law, and shall elect its own chair, vice chair, and secretary/treasurer.

(d) The Mayor may appoint a city employee to provide support and assistance to the Board in carrying out its responsibilities and to keep a record of all meetings of the Commission.

(e) No compensation shall be paid to any member of the Youth Advisory Commission for services performed on this Commission. The City may provide a meal at each of the Board meetings for members.

146.04 Reporting

The Board shall submit a report and recommendations to the Council annually related to parks and recreation, community relations programming, and Board activities and accomplishments, and shall report quarterly at the Community Relations and Recreation Committee meeting.

SECTION 2. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest time permitted by law.

_____
MELODY JOY HART
President of Council

_____
ADDIE BALESTER
Clerk of Council

Presented to Mayor: _____ Approved by Mayor: _____

_____
KAHLIL SEREN
Mayor

Proposed: 11/20/2023

ORDINANCE NO. 190-2023(HB), *First Reading*

By Councilmember Cuda

An Ordinance amending Chapter 1347, “Certificate of Occupancy and Lead-Safe Certification”, of the Codified Ordinances of the City of Cleveland Heights to adopt and enact a new Section 1347.14, to be entitled “Transient Rentals”, amending Section 1341, “Definitions” to adopt a new Subsection 1341.251 to be entitled “Transient Rentals”, and amending Subsection (a) of Section 1345.99, “Penalty.”

WHEREAS, advances in technology have allowed for a booming online short-term rental industry that connects and serves the needs of many potential renters desiring short term rentals; and

WHEREAS, this unique business model is unlike the hotel and other lodging in that it appeals to homeowners, apartment dwellers, families of hospital patients, temporary workers, concertgoers, etc.; and

WHEREAS, the City does not currently differentiate its certificate of occupancy permitting for rentals of 30 days or more from rentals that are between 1 and 29 days; and

WHEREAS, on one hand short term rentals offer supplemental income for CH residents as well as a chance to increase tourism and provide access to our City and a showcase of our neighborhoods for people who might not otherwise visit, and

WHEREAS, on the other hand, the City has received complaints from neighbors of short-term rental properties who have had to endure repeated noise violations, parking problems, and a lack of civility and respect for the impacted neighborhood such that, at times, those short-term rental properties have caused a public nuisance that has threatened the health, safety, quiet enjoyment and welfare of the residents of the City; and

WHEREAS, the City seeks to ensure that short term rentals are meeting all of the City’s existing minimum standards including all building, housing, zoning and fire codes as well as safety and sanitation requirements; and

WHEREAS, City Council seeks to strike a balance between property owners’ right to use their properties as they see fit and the accountability that goes along with short term rentals.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Chapter 1347, “Certificate of Occupancy and Lead-Safe Certification”, of the Codified Ordinances of the City of Cleveland Heights, shall be and hereby is amended to adopt and enact a new Section 1347.14 to be entitled “Short-Term Rentals”, which shall read as follows:

1347.14 TRANSIENT RENTALS

(a) No owner or property manager of a dwelling unit described in subsections (1) (2), or (3) shall permit the dwelling unit, or a portion of the dwelling unit, to be rented to, or occupied by, transient renters, except as set forth in this section.

(1) Renter Occupied Dwelling Units. No owner of a dwelling unit registered as a rental unit under Section 1347 shall permit the rental unit to be rented to, or occupied by transient renters unless a separate transient rental application has been filed and accepted by the Building Commissioner for the specific unit(s) being rented as short-term rentals as defined and must abide by the regulations set forth in subsection (b) of this section.

(2) Short Term Rental Dwelling Units. The owner of a short-term Rental-only dwelling unit shall only be registered as a short-term rental property and shall only rent to transient renters as defined by this legislation, and must abide by the regulations set forth in subsection (b) of this section.

(3) Owner Occupied Dwelling Units. The owner of a dwelling unit who occupies that dwelling unit may have transient rentals provided said owner has occupied the property for at least two hundred seventy (270) days in the previous calendar year, and must abide by the regulations set forth in subsection (b) of this section.

(b) The owners of all properties rented or otherwise occupied by transient renters, shall abide by the following regulations:

(1) The total number of calendar days, or parts of calendar days, that a transient renter occupies a dwelling unit does not exceed twenty-nine (29) days in any two (2) month period of a calendar year;

(2) An owner-occupied dwelling, as defined in section 1347.14(a)(3), or part thereof may be rented for periods of one (1) to twenty-nine (29) days. A non-owner-occupied dwelling or part thereof may be rented as a transient rental for a period of seven (7) to twenty-nine (29) days. No dwelling unit of part thereof may be rented as a transient rental for a period of one (1) to (6) days unless the dwelling is owner-occupied as provided in subsection 1347.14(a)(3).

(3) The owner of a dwelling unit or rental unit shall not permit simultaneous rentals of more than one separate room to separate, unrelated transient renters. "Single room rentals" as used herein is an arrangement where multiple renters, under separate rental agreements, have exclusive possession of an individual sleeping facility and shared access with other renters to all other facilities within a

dwelling unit. This prohibition shall not apply in the event that the owner of the dwelling unit is concurrently occupying the dwelling unit with the transient renters.

(4) The owner shall obtain a transient rental registration certificate with the City of Cleveland Heights, in accordance with this chapter. It shall be prima facie evidence of a short-term rental operation if a short-term rental guest is found to be occupying or using a short-term rental.

(5) The owner shall submit, if applicable, written authorization of consent from the homeowners' association, condo association or other person of interest with the owner's application for a transient rental.

(6) The dwelling unit shall have adequate onsite parking for all occupants and transient renters in compliance with Cleveland Heights Codified Ordinance Chapter 1161.

(7) Transient rental property owners shall be required to display the permit on any medium used to advertise the short-term rental. Failure to display shall result in the automatic revocation of the transient rental permit and/or certificate of occupancy.

(8) A short-term rental property owner shall retain and, upon request, make available to the Building Commissioner or law enforcement officials records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit on each night, dates and duration of stay in a short-term rental.

(9) Repeated complaints of noise and other nuisance related infractions may result in a revocation of the owner's transient rental permit. An appeal from a decision revoking a transient rental license may be appealed to the Nuisance Abatement Board of Review pursuant to Chapter 553 of these Codified Ordinances.

SECTION 2 Section 1341, "Definitions" shall be and herby amended to enact a new Subsection 1341.251, entitled 'Transient Rental", to read as follows:

1341.251 TRANSIENT RENTAL

"Transient Rental" means: (I) a rental of a non-owner-occupied single-family dwelling or part thereof, for a period of seven (7) to twenty-nine (29) days; or (II) a rental of an owner-occupied single-family dwelling or part thereof for a period of one (1) to twenty-nine (29) days. "Transient Rental" shall have the same meaning as "Short Term Rental". "Transient Rentals" shall not include buildings containing more than five (5) guestrooms for rent or otherwise defined as a "hotel" in Ohio Revised Code Section 3731.01, Building Code.

SECTION 3. Subsection (a) of Section 1345.99, “Penalty”, of Chapter 1345, “Enforcement and Penalty”, of the City of Cleveland Heights shall be and hereby is amended to read as follows:

1345.99 PENALTY

(a) A violation of Section 1351.14, 1347.01, 1347.04(a) or (b), 1347.05(a) or (b), 1347.07(a) or (b), 1347.08(b) or 1347.14 is hereby classified as a minor misdemeanor. Every day such violation occurs or continues shall constitute a separate offense.

SECTION 4 Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Ordinance shall take effect and be in force from and after the earliest time permitted by law.

_____
MELODY JOY HART
President of Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor

Proposed: 11/20/2023

RESOLUTION NO. 193-2023(PD), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into a development agreement with WXZ CPV LLC, concerning the redevelopment of the Taylor-Tudor buildings; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City has identified the opportunity to develop the City-owned property located at 1900-1910 South Taylor Road, 1912-1926 South Taylor Road, and 1932-1946 South Taylor Road, Permanent Parcels No. 684-27-001, 684-26-011, and 684-26-012, on the west side of South Taylor Road north of Cain Park (the Property); and

WHEREAS, the City on August 27, 2021 issued a Request for Proposals and Request for Qualifications (RFP/RFQ) for redevelopment of the Property; and

WHEREAS, four responses were received to the RFP/RFQ, including a response submitted by WXZ CPV LLC (WXZ) and following Staff's review of and recommendations regarding the proposals this Council on May 4, 2022 authorized the Mayor to undertake discussions with WXZ concerning redevelopment of the Property by adopting Resolution 54-2022; and

WHEREAS, this Council on July 8, 2022 adopted Resolution 103-2022, authorizing a long-term lease of the Property to WXZ to provide site control to assist in WXZ's due diligence in connection with the redevelopment of the Property and to aid in WXZ's efforts to obtain funding for such redevelopment through various tax credit and other state or federal programs, while negotiations with the City continued; and

WHEREAS, on November 13, 2023, pursuant to Resolution 178-2023 this Council authorized a Purchase and Sale Agreement to transfer the Property to WXZ for a purchase price of One Dollar ($1.00) in anticipation of the City receiving a negotiated portion of tax increment financing service payments generated through the proposed Development in addition to other economic and non-economic benefits; and

WHEREAS, closing on the sale of the Property under the Purchase and Sale Agreement is contingent upon the negotiation and execution of a Development Agreement acceptable to both parties and approved by this Council; and

WHEREAS, after extensive negotiations, the parties have reached a tentative agreement on the specific terms and conditions of a Development Agreement for the redevelopment of the Property; and

WHEREAS, this Council believes that the redevelopment of the Taylor-Tudor Property is in the best interests of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor be, and he is hereby, authorized to execute a Development Agreement with WXZ CPV LLC, the terms of which shall be substantially in accordance with the Development Agreement on file with the Clerk of Council.

SECTION 2. This Council finds and determines that the redevelopment of the Taylor-Tudor Property in accordance with the development agreement authorized in Section 1 is in the best interests of the City and its residents.

SECTION 3. The Mayor is further authorized to execute any and all other documents necessary or convenient to fulfilling the obligations of the City under the Development Agreement. The Development Agreement and related documents shall be subject to the approval of the City's Law Director as to form.

SECTION 4. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and its inhabitants, the emergency being the need to facilitate the redevelopment of the Taylor-Tudor Property at the earliest possible time. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
MELODY JOY HART
President of Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor

Proposed: 8/7/2023

ORDINANCE NO. 123-2023(AS), *Second Reading*

By Mayor Seren

An Ordinance amending Part One, Title Five of the Administrative Code of the Codified Ordinances of the City of Cleveland Heights to enact a new Chapter 142 “Arts Commission” to establish an Arts Commission for the City of Cleveland Heights and provide for appointment, powers, and duties of the commission; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights has not established a formalized mechanism to judge and recommend public art projects, and to facilitate the funding, creation, and enjoyment of the arts in Cleveland Heights; and

WHEREAS, the lack of such an established mechanism has led to a lack of intentional and proactive support for the arts in Cleveland Heights; and

WHEREAS, the City of Cleveland Heights, and this Council, believe that the creation of an Arts Commission will have a positive impact on quality of life for residents of and visitors to Cleveland Heights.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Part One, Title Five Administrative Code of the Codified Ordinances of the City of Cleveland Heights shall be and is hereby amended by adding a new Chapter 142 “Arts Commission” to read as follows:

CHAPTER 142 ARTS COMMISSION

142.01 ESTABLISHMENT, COMPOSITION, TERM, REMOVAL, AND VACANCY.

(a) There is hereby established in the City an Arts Commission.

(b) The Commission shall consist of five (5) members, appointed by the Mayor, subject to confirmation by a majority of Council, none of whom shall hold other municipal office or employment with the City.

(c) Members of the Commission shall be residents of the City of Cleveland Heights, appointed on the basis of training and experience in the arts, including but not limited to arts creation, funding, management, and promotion.

(d) The original appointments for the terms beginning October 1, 2023 are to consist of three (3) members appointed for a three (3) year term, and two (2) members

appointed for a two (2) year term. Thereafter, all appointments to the Commission shall be for a three (3) year term.

(e) Members of the Commission may be removed by the Mayor, subject to Council confirmation.

(f) Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointments.

142.02 PURPOSE, DUTIES.

(a) The purpose of the Cleveland Heights Arts Commission is to act in an advisory capacity to the Council and the Mayor related to arts policies, programs, and projects in order to help facilitate improved funding, creation, and enjoyment of the arts in the City.

(b) To fulfill the above purpose, the Commission shall provide recommendations to the Mayor for public art projects, and arts programming; and shall provide legislative and budgetary recommendations to the Mayor and the Council in support of the arts in the City.

142.03 COMPENSATION.

No compensation shall be paid to any member of the Arts Commission for services performed on this Commission.

142.04 ORGANIZATION, MEETINGS, OFFICERS.

(a) The Commission shall hold an organizational meeting annually in October to determine a schedule of regular meetings and to select officers.

(b) The members of the Commission shall choose one member to serve as Chairperson for a period of one (1) year or until a successor has been chosen. The Chairperson shall preside over meetings of the Commission. In the absence of the Chairperson, a temporary Chairperson shall be elected by those present to preside over the specific meeting during which the temporary Chairperson was elected.

(c) The members of the Commission shall choose one member to serve as Secretary for a period of one (1) year or until a successor has been chosen. The Secretary shall keep or cause to be kept a record of the meetings and actions of the Commission. The Secretary shall also provide notice or cause notice to be provided for public meetings of the Commission.

SECTION 2. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Ordinance become immediately effective as an emergency measure for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely appoint members of this Commission such that the Commission can timely hold its organizational meeting and begin necessary work improving arts policy and programming in the City as provided in this Ordinance. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
MELODY HART
President of Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor:

Approved:

_____
KAHLIL SEREN
Mayor

CLEVELAND HEIGHTS

Date: November 2, 2023

To: Kahlil Seren, Mayor

From: Collette Clinkscale, Public Works Director

Subject: *Legislation Request Cuyahoga County – Professional Services related to the City's Sanitary and Storm Sewers.*

This agreement is related to sanitary and storm sewer services that may be needed from time to time from the Cuyahoga County Department of Public Works. The services include but are not limited to, maintenance, engineering and emergency services. This annual agreement has been utilized over the past several years and helps the City meet requirements of the Consent Decree.

This 2024 agreement is not to exceed $600,000 for the year.

Cc: Danny Williams, City Administrator
William Hanna, Law Director
Laure Wagner, Assistant Law Director
Addie Balester, Clerk of Council

Proposed: 11/06/2023

RESOLUTION NO. 175-2023(MSES), *Second Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with the County of Cuyahoga to perform certain services to help maintain the City's sanitary and storm sewers; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City owns and operates sanitary and storm sewers and catch basins, which require regular maintenance; and

WHEREAS, Section 171.02(b) of the Cleveland Heights Codified Ordinances authorizes the purchase of services without obtaining competitive bids where the price for services offered by a political subdivision is less than the price that would be obtained by taking bids from private persons; and

WHEREAS, the Mayor has determined that Cuyahoga County offers certain maintenance services for sanitary and storm sewers and catch basins at a price less than would be obtained by taking bids from private persons and that it would be in the City's best interests to retain the County for such services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor be, and he is hereby, authorized to execute an agreement with the County of Cuyahoga to provide certain services to maintain the City's sanitary and storm sewers and catch basins, in accordance with the requirements set forth in Section 171.02(b) of the Cleveland Heights Codified Ordinances. The agreement shall be similar to the one on file with the Clerk of Council. The term of the agreement shall expire on December 31, 2024, and the total amount to be paid by the City shall not exceed the sum of Six Hundred Thousand Dollars ($600,000). The agreement and any related documents shall be approved as to form and subject to the final approval of the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to proceed with the maintenance of the City's sewer and storm systems as soon as possible. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
MELODY JOY HART
President of Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor

CLEVELAND HEIGHTS

Date: October 27, 2023

To: Kahlil Seren, Mayor

From: Collette Clinkscale, Public Works Director

Subject: *Legislation Request for GPD Group – Engineering Design for Waterline Replacement and Street Rehabilitation of Edgerly and Clarendon*

This agreement is for the engineering design to replace 900 feet of waterline on Edgerly Road from Fenley Road to Runnymede Blvd and to replace 2,500 feet of waterline on Clarendon Road from South Taylor to Lee Road and to rehabilitate both roads as part of the design work.

This agreement is not to exceed $91,500. The City received two grants from the Cleveland Water Department's Suburban Watermain Replacement (SWMR) program to replace the waterlines. The road repair portions of the projects will be funded under the 2024 road program.

Cc: Danny Williams, City Administrator
William Hanna, Law Director
Laure Wagner, Assistant Law Director
Addie Balester, Clerk of Council

Proposed: 11/06/2023

RESOLUTION NO. 176-2023(MSES),
Second Reading

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with Glaus, Pyle, Schomer, Burns and DeHaven, Inc., ("GPD Group") for utility engineering services associated with the replacement of water mains on Edgerly and Clarendon Roads; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights, Ohio, has determined the need for the replacement of water mains on Edgerly Road and Clarendon Road;

WHEREAS, the City requires professional utility engineering services for this project; and

WHEREAS, the Mayor has recommended that the services offered by GPD Group best meet the City's needs; and

WHEREAS, such engineering services are professional services for which no bidding is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor be, and he is hereby, authorized to enter into an agreement with GPD Group for engineering services for the replacement of water mains on Edgerly Road an Clarendon Road The agreement shall be substantially in accordance with the terms and conditions set forth in the proposed agreement for professional services submitted by GPD Group, a copy of which is on file with the Clerk of Council. Compensation for the services detailed therein shall not exceed the sum of Ninety-one thousand Five Hundred Dollars ($91.500.00). All agreements hereunder shall be approved as to form and subject to the final approval of the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to commence the above-described improvements at the earliest possible time to protect the safety and welfare of the residents of the City. Provided it receives the

affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

Second Ambulance Purchase

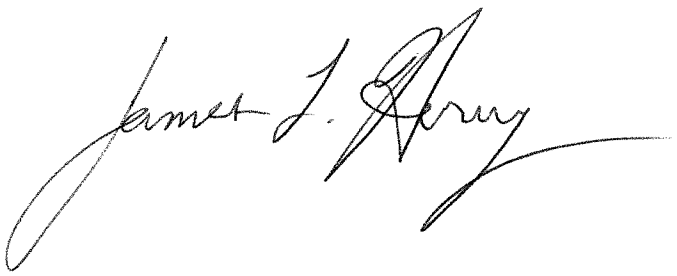
Memo to the City Council:

All,

The Fire/EMS Department has been approved to replace a second aging ambulance, and these funds have been decided to come from ARPA funding. We have stayed to the exact specifications of the prior ambulance build. Finance Director Unetic will be presenting this quote to the Council.

The Fire/EMS Department thanks you for your continued support in our mission.

Sincerely,



Proposed:11/06/2023

RESOLUTION NO. 177-2023(MSES), *Second Reading*

By Mayor Seren

A Resolution authorizing an agreement with Pfund Superior Sales Co., Inc. of Lower Burrell, PA for the purchase of a 2025 Freightliner Crew Cab Ambulance and Chassis for the Cleveland Heights Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, in order to continue to provide optimum emergency services, it is necessary to purchase a new ambulance and chassis; for the use of the Cleveland Heights Fire Department ("CHFD"); and

WHEREAS, Section 171.11 of the Cleveland Heights Codified Ordinances authorizes the purchase of machinery, materials, supplies, and other articles through the Ohio Department of Administrative Services Cooperative Purchasing Program without obtaining competitive bids; and

WHEREAS, the Mayor has determined that the necessary vehicle may be purchased through this State Cooperative Purchasing Program at a lower price than could be obtained through bidding and that it would be in the City's best interests to purchase said vehicle by this means.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor be, and he is hereby, authorized to enter into an agreement with Pfund Superior Sales, Co. Inc. of Lower Burrell, PA for the purchase of a new ambulance and chassis for CHFD through the State of Ohio Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Section 171.11 of the Cleveland Heights Codified Ordinances. The agreement shall provide for a sales price of Three Hundred Seventy-nine Thousand Seven Hundred Thirteen Dollars ($379,713.00). All agreements hereunder shall be approved as to form by the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Resolution become immediately effective as

an emergency measure necessary for the preservation of public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet ODAS and vendor deadlines. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
MELODY JOY HART
President of Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor

CLEVELAND HEIGHTS

Date: November 13, 2023

To: Kahlil Seren, Mayor

From: Collette Clinkscale, Public Works Director

Subject: *Legislation Request – Agreement to accept MCIP Funding for the "Control of SSO CH-30" design only project between the City and the Northeast Ohio Regional Sewer District*

This legislation is to accept grant funding in the amount of $75,100 to help fund the design of the subject project. SSO CH-30 is located near the intersection of South Taylor and Superior. The Public Works Department applied for this grant as part of the 2024 Member Community Infrastructure Grant Program (MCIP). As you are aware, the MCIP is a competitive program administered by the Sewer District. This balance of this design project will be paid for using ARPA funds.

Cc: Danny Williams, City Administrator
William Hanna, Law Director
Laure Wagner, Assistant Law Director
Addie Balester, Clerk of Council

Proposed: 11/13/2023

RESOLUTION NO. 183-2023(MSES),
Second Reading

By Mayor Seren

A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the Member Community Infrastructure Grant Program for the design control of SSO CH-30; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORSD") is interested in assisting member communities with water quality issues associated with sewer infrastructure that adversely impact human health; and

WHEREAS, Ohio law authorizes regional water and sewer districts to enter into grant agreements with political subdivisions for water resource projects; and

WHEREAS, pursuant to Ohio Revised Code Chapter 6119, generally, and Ohio Revised Code Section 6119.06(F), NEORSD established a Member Community Infrastructure Program to provide water resource project funding opportunities to member communities or other eligible political subdivisions for sewer infrastructure projects in NEORSD's service area; and

WHEREAS, the grant funds would allow the City through this project to manage a Design- Only MCIP Project, which generally consists of diverting local flow from South Taylor Road and Washington Boulevard to NEORSD Lee Superior Relief Sewer; and

WHEREAS, NEORSD has determined, and this Council concurs, that the project will address water quality issues which are associated with sewer infrastructure and which adversely impact human health and the environment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor is hereby authorized to enter into an agreement with the Northeast Ohio Regional Sewer District ("NEORSD") to accept funds under the Member Community Infrastructure Grant Program in the amount of Seventy-five Thousand, One Hundred Dollars ($75,100.00) for the design control of SSO CH-30 Project and any and all related documents or agreements with NEORSD. The agreement and any related documents shall be approved as to form and subject to the final approval of the Director of Law.

SECTION 2. The City further agrees to pay One Hundred Percent (100%) of the

cost over and above the maximum amount provided by NEORSD.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. it is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely enter into the above-mentioned grant agreement to begin the project described herein at the earliest time possible. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
MELODY JOY HART
President of Council

_____
ADDIE BASESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor

CLEVELAND HEIGHTS

Date: November 13, 2023

To: Kahlil Seren, Mayor

From: Collette Clinkscale, Public Works Director

Subject: *Legislation Request – Agreement to accept MCIP Funding for the Hampshire Road Illicit Connections and SSO Control Construction Project between the City and the Northeast Ohio Regional Sewer District*

This legislation is to accept grant funding in the amount of $999,625.00 to help fund the construction of the subject project. The Public Works Department applied for this grant as part of the 2024 Member Community Infrastructure Grant Program (MCIP). As you are aware, the MCIP is a competitive program administered by the Sewer District. This balance of the construction project will be paid for using ARPA funds.

Cc: Danny Williams, City Administrator
William Hanna, Law Director
Laure Wagner, Assistant Law Director
Addie Balester, Clerk of Council

Proposed: 11/13/2023

RESOLUTION NO. 184-2023(MSES),
Second Reading

By Mayor Seren

A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the Member Community Infrastructure Grant Program for the Hampshire Road Illicit Connections and SSO Control Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORSD") is interested in assisting member communities with water quality issues associated with sewer infrastructure that adversely impact human health; and

WHEREAS, Ohio law authorizes regional water and sewer districts to enter into grant agreements with political subdivisions for water resource projects; and

WHEREAS, pursuant to Ohio Revised Code Chapter 6119, generally, and Ohio Revised Code Section 6119.06(F), NEORSD established a Member Community Infrastructure Program to provide water resource project funding opportunities to member communities or other eligible political subdivisions for sewer infrastructure projects in NEORSD's service area; and

WHEREAS, the grant funds would allow the City through this project to manage a construction project consisting of the construction of new sanitary sewers and the rehabilitation of existing sewers to eliminate illicit connections and control two (2) SSO's for up to a 10-year, 1-hour rain event; and

WHEREAS, NEORSD has determined, and this Council concurs, that the project will address water quality issues which are associated with sewer infrastructure and which adversely impact human health and the environment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor is hereby authorized to enter into an agreement with the Northeast Ohio Regional Sewer District ("NEORSD") to accept funds under the Member Community Infrastructure Grant Program in the amount of Ninety-nine Thousand Six Hundred Twenty-five Dollars ($999,625.00) for the construction of the Hampshire Road Illicit Connections and SSO Control Project and to execute any and all related documents or agreements with NEORSD. The agreement and any related documents shall be approved as to form and subject to the final approval of the Director of Law.

SECTION 2. The City further agrees to pay One Hundred Percent (100%) of the cost over and above the maximum amount provided by NEORSD.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. It is necessary that this Resolution become immediately effective as an measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely enter into the above-mentioned grant agreement to begin the project described herein at the earliest time possible. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
MELODY JOY HART
President of Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor

Proposed: 11/06/2023

ORDINANCE NO. 179-2023(COTW), *Second Reading*

By All City Council Members

An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds.

WHEREAS, on the 11th Day of March 2021, the President of the United States, Joseph R. Biden, signed into law the American Rescue Plan Act of 2021 (hereafter "ARPA"), Public Law 117-2, authorizing, among other things, payment of direct subsidies to the general revenue funds of cities, counties, school districts, and other governmental entities; and

WHEREAS, the intended purpose of the direct subsidy payments to state and local governmental entities under the ARPA is to alleviate the effect of funding shortfalls; invest in state and local economic development; make necessary investments in water, sewer, and other infrastructure; and provide relief from the economic and societal hardships sustained during the onset of the Coronavirus Pandemic and COVID-19 illness, including assistance to households, small businesses and nonprofits, or to impacted industries such as tourism, travel and hospitality; and

WHEREAS, the City of Cleveland Heights has received Thirty Eight Million Eight hundred Seventeen Thousand And Sixty Two Dollars ($38,817,062.00) in direct payments from the enactment of the ARPA; and

WHEREAS, Council has previously passed Ord. No. 140-2021, directing the use of Eighteen Million Dollars ($18,000,000.00) in ARPA funding for the performance of sewer infrastructure improvement projects described and allocating those funds for that purpose, to be drawn upon for design contracts, local match grant programs, and construction contracts, to the maximum possible extent, within the timing requirements of the ARPA; and,

WHEREAS, Council has previously passed Ord. No. 92-2021, allocating not less than FIVE MILLION DOLLARS ($5,000,000) of ARPA funding for the business neighborhoods in the City Of Cleveland Heights as follows:

1) Two Million Dollars ($2,000,000.00) for the South Taylor District from Cedar Road to Euclid Heights Boulevard; and

2) Two Million Dollars ($2,000,000.00) for the Noble Road Corridor north of Mayfield Road to the City of East Cleveland; and

3) One Million Dollars ($1,000,000.00) to be spent in the other business districts in the City as the needs exist; and

WHEREAS, subsequent to the passage of these Ordinances, community engagement on the allocation and spending of ARPA funds has been conducted at various locations throughout the City and over thirteen hundred (1,300) survey responses have been received from residents, businesses, community organizations and non-profits expressing respondents' preferences for the expenditure of ARPA funds; and

WHEREAS, Cleveland Heights residents and businesses continue to experience physical and mental health stress and economic stress due to the pandemic and its effects; and

WHEREAS, Council wishes to provide for and authorize uses of ARPA funds, to address pandemic related stresses and effects, which have been determined through and pursuant to the community engagement activities described above which uses are identified in Exhibit B, attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. The expenditures of ARPA funds and/or allocations as described in Exhibit A to this Ordinance which have been previously approved by vote of Council.

SECTION 2. The new expenditures and/or allocations as described in Exhibit B are approved. All third-party recipients or their agents must comply with U.S. Dept. of Treasury Rules for the use or expenditure of ARPA funds.

SECTION 3. All awards to any third-party recipients are conditioned upon (A) the approval of the specific use by Guidehouse Inc.; and (B) execution of a written agreement with the City which among other things, may set forth terms, conditions and limitations accompanying any award or disbursement of ARPA funds to the recipient.

SECTION 4. The Mayor or his designee is hereby authorized to encumber and expend all funds as allocated in Exhibits A and B.

SECTION 5. The Mayor, Director of Law and Director of Finance or their designees, be and are hereby authorized to execute, certify and/or furnish other such documents and take all other actions, including entering into separate agreements as are necessary or incidental to further acceptance, appropriation and expenditure of ARPA funds and/or which are incidental to carrying out the purposes of this Ordinance.

SECTION 6. The Director of Finance or his designee is hereby authorized to establish any additional funds or accounts, as may be necessary or incidental to the appropriation, encumbrance and/or expenditure of ARPA funds as allocated in Exhibit A.

SECTION 7. The Director of Finance or his designee is hereby authorized to transfer all ARPA funds between and among any funds, sub-funds and accounts, as necessary to allow for the posting of prior and future expenses, not to exceed the total ARPA funds awarded to the City.

SECTION 8. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

_____
MELODY HART
President of the Council

_____
ADDIE BASESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHIL SEREN
Mayor

EXHIBIT A to ORDINANCE NO. 179 - 2023

PRIOR ALLOCATED OR APPROVED USE OF ARPA FUNDS

TOTAL 2021 & 2022 ARPA FUNDS RECEIVED $38,817,062.00

Prior Ordinances Allocating or Authorizing Expenditures of ARPA funds

Ordinance No. 92-2021 (Passed 8/31/2021)
Allocating $5,000,000 geographically to be spent in certain neighborhoods and business districts.

Ordinance No. 140-2021 (Passed 11/15/2021)
Authorizing the allocation, appropriation and expenditure of $18,000,000 in ARPA funds for sewer infrastructure projects.

2021 ARPA FUNDS RECEIVED
$19,408,531.00

2021 ARPA Expenditures	
Salaries [Fire $2,500 Bonus]	($177,537.50)

December 31, 2021 Fund Balance (Carried forward)
$19,230,993.50

2022 ARPA FUNDS RECEIVED
$19,408,531.00

2022 ARPA Expenditures	
Salaries [Fire $2,500 Bonus]	($238,294.51)
Management Consultant Contract [Guidewire]	($141,618.56)
Capital Improvements [ ]	($360,266.60)
Total 2022 ARPA Expenditures	**($740,179.67)**

December 31, 2022 Unencumbered ARPA Fund Balance **$18,907,639.98**
(Includes $18,000,000 encumbered for sewers)

CATEGORY/PROJECT	DESCRIPTION	AMOUNT
Water, Sewer, Infrastructure		
	Sewer: Per Ordinance No. 140-2021 (11/15/2021) authorizing the allocation, appropriation and expenditure of $18,000,000 in ARPAfunds for sewer infrastructure projects.	**$18,000,000.00**
Public Health & Safety		
	Police Cars: Per Resolution No. 22-2023 authorizing an agreement with John Megel Ford for the purchase of four 2022 used hybrid police utility vehicles.	**$200,000.00**
	New Ambulance: Per Resolution No. 100-2023(MSES): authorizing an agreement with Pfund Superior Sales Co., Inc. of Lower Burrell, PA for the purchase of a 2024 Freightliner Crew Cab Ambulance and Chassis for the Cleveland Heights Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program.	**$362,505.00**
	Cain Park Village Stramp: Per Resolution 111-2023 (PD) authorizing the Mayor to commit $1,500.000.00 of the City's ARPA funds for the Cain Park Village Stramp Project	**$1,500,000.00**
Recreation		
	Community Center/ Ice Rink Repairs Per: Ordinance 74-2023 authorizing the Mayor to enter into an agreement with Tempest Inc. for the Recreation Center – North Ice Rink Reconstruction Project.	**$1,800,000**

EXHIBIT B to ORDINANCE NO. 179 - 2023

NEW ALLOCATED USE OF ARPA FUNDS

CATEGORY	PROJECT / DESCRIPTION	AMOUNT
Housing		
	Cleveland Heights Improvement Corporation: Start-up and Operating Funds.	**$300,000**
	Lead Safe Programing (Allocation Only)	**$1,000,000.**
	Down Payment Assistance (Allocation Only)	**$750,000**
	Exterior Repair for Residential Properties (Allocation Only)	**$2,500,000**
Non- Profit Housing Programs		
	Future Heights FutureHomes & Revitalization Program: Home Rehabilitation	**$510,000.00 (Award up to this amount with terms to be determined)**
	StartRight Good Neighbor Project: Home Rehabilitation	**$200,000.00 (Award up to this amount with terms to be determined)**
	StartRight Caledonia Homes Infill Housing Project: Infill Housing	**$300,000.00 (Award up to this amount with terms to be determined)**
	Benjamin Rose Institute: Margaret Wagner Senior Apartments	**$200,000**
City Garages		
	Coventry **Lennox**	**$500,000.00** **$500,000.00**
CATEGORY	**PROJECT / DESCRIPTION**	**AMOUNT**
Parks and Recreation		
	Shipping Container: Pilot Program	**$500,000.00**
	Park Improvements: Cain Park, Dennison Park, Forest Hills,	**$3,540,000.00**

	Park Vehicle Fleet Enhancements	**$100,000.00**
Non-Profit Park		
	Heights Libraries Coventry Peace Park: Park Improvements	**$300,000.00**
Business Assistance		
	Community Investment Fund	**$1,400,000**
	(Allocated with programs to be determined) Comprehensive Development Plan: Noble $100,000.00 Comprehensive Development Plan: Taylor $100,000.00 Commercial Grant Program: Noble $500,000.00 Commercial Grant Program: Taylor $500,000.00 Commercial Grant Program: Other Districts $200,000.00	
Non-Profit Business Assistance		
	Coventry Village SID: Misc. projects and business development	**$313,560.00 (Award up to this amount with to terms to be determined)**
CATEGORY	**PROJECT/DESCRIPTION**	**AMOUNT**
Safety and Health		
	Second Ambulance	**$379,713.00**
	Safety lighting/police blue light boxes/ safety app (Allocation Only)	**$750,000.00**
Non-profit Safety and Health		

	Pride Among Daughters and Sisters; (Feminine Products and Education)	**$11,400 (Award up to this amount with terms to be determined.)**
	Start Right: Hunger Center	**$60,000 (Award up to this amount with terms to be determined.)**
	Cleveland Chesed Center: Operating Funds	**$50,000**
Youth Programming		
	Lake Eire Ink: Youth Programming	**$104,900 (Award up to this amount with terms to be determined.)**
	Kulture Kids: Youth Programming	**$15,000**
	Building Heights: Youth Programming	**$244,259 (Award up to this amount with terms to be determined.)**
CATEGORY	**PROJECT/DESCRIPTION**	**AMOUNT**
Youth Programming continued	**Reaching Heights: Youth Programming**	**$75,000 (Award up to this amount with terms to be determined.)**

	Family Connections: **Social Emotional Project**	**$77,000** **(Award up to this amount with terms to be determined.)**
Arts Programming		
	Artful: **Art Programming and Support**	**$71,000** **(Award up to this amount with terms to be determined.)**
	Heights Arts: **Art Programming and Support**	**$250,000** **(Award up to this amount with terms to be determined.)**
Total Allocations		**$15,001,832**

Proposed: 11/20/2023

RESOLUTION NO. 191-2023(CRR),
First Reading

By Councilmember Russell

A Resolution recognizing December, 2023 as *Universal Month for Human Rights* and December 10, 2023 as *Human Rights Day*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, in 1948 the United Nations crafted the Universal Declaration of Human Rights (UDHR) which enshrines the inalienable rights that everyone is entitled to as a human being—regardless of race, color, religion, sex, language, political or other opinion, national or social origin, property, birth or other status; and

WHEREAS, December 10, 2023 marks the 75th anniversary of one of the world's most groundbreaking global pledges (UDHR)—which is the most translated document in the world, available in more than 500 languages; and

WHEREAS, it is important to acknowledge that people of different cultures and creeds are still people and we must be careful of differentiating ourselves from our fellow humans so much that we forget this core truth; and

WHEREAS, in the decades since the adoption of the UDHR, human rights have become more recognized and more guaranteed across the globe—but the promise of the UDHR, of dignity and equality in rights, has been under a sustained assault in recent years as the world faces challenges new and ongoing, such as pandemics, conflicts, exploding inequalities, morally bankrupt global financial systems, racism, and climate change; and

WHEREAS, the year-long Human Rights 75 initiative seeks to shift the needle of understanding and action towards greater knowledge of the universality of the UDHR and the activism associated with it; and

WHEREAS, as a common standard of achievement for all peoples and all nations, the UDHR is a global blueprint for international, national, and local laws and policies and a bedrock of the 2030 Agenda for Sustainable Development (a plan of action developed by the UN Department of Economic and Social Affairs) which explicitly recognizes it is grounded in UDHR and has to be implemented in a manner that realized human rights; and

WHEREAS, the City Council recognizes that the fight for rights and equality never ends and encourages Cleveland Heights residents to stand up for equality, justice and the dignity of all humans.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. This Council does hereby recognize December 2023 as *Universal Month for Human Rights* and December 10, 2023 as *Human Rights Day* in Cleveland Heights.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to join with other communities in this celebration and the need to recognize *Universal Month for Human Rights* and *Human Rights Day* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
MELODY JOY HART
President of the Council

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ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

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KAHLIL SEREN
Mayor

Proposed: 11/20/2023

RESOLUTION NO. 192-2023(COTW),
First Reading

By President Hart

A Resolution recognizing November 20, 2023 as *Transgender Day of Remembrance* in the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights recognizes the right of transgender people to live authentically and openly without the fear of discrimination or violence; and

WHEREAS, the City of Cleveland Heights remembers the names of the transgender people whose lives we know have been taken due to anti-transgender violence in 2023—though these crimes are often misreported, go underreported, or are not reported at all:

- **London Price**, a Black trans woman, killed in Miami-Dade County, Florida on October 23, 2023. She was 26 years old.
- **Lisa Love**, a Black trans woman, killed in Chicago, Illinois on October 17, 2023. She was 35 years old.
- **A'nee Johnson,** a Black trans woman, killed in Washington, DC on October 14, 2023. She was 30 years old.
- **Dominic Dupree (also known as Dominic Palace),** a Black gender-nonconforming person, killed in Chicago, Illinois on October 13, 2023. They were 25 years old.
- **Chyna Long,** a Black trans woman, killed in Milwaukee, Wisconsin on October 8, 2023. She was 30 years old.
- **YOKO (YOUONLYKNOWONE),** a Black nonbinary, killed in New Orleans, Louisiana on September 19, 2023. They were 30 years old.
- **Kylie Monali,** a trans woman, killed in Murrietta, California on September 7, 2023. She was 41 years old.
- **Luis Ángel Díaz Castro,** a Latino transgender man, killed in San Juan, Puerto Rico on August 12, 2023. He was 22 years old.
- **Thomas "Tom-Tom' Robertson,** a Black gender nonconforming person, killed in Calumet City, Illinois on August 17, 2023. They were 28 years old.
- **De'Vonnie J'Rae Johnson,** a Black trans woman, killed in Los Angeles, California on August 7, 2023. She was 28 years old.
- **Jacob Williamson,** a white trans man, killed in Monroe, North Carolina on June 30, 2023. He was 18 years old.
- **Chanell Perez Ortiz,** a Latina trans woman, killed in Carolina, Puerto Rico on June 25, 2023. She was 29 years old.

- **Ashia Davis (also known as Asia Davis),** a Black trans woman, killed in Detroit Michigan on June 2, 2023. She was 24 years old.
- **Banko Brown (also known as Banko Paso),** a Black trans man, killed in San Francisco, California on April 27, 2023. He was 24 years old.
- **Rasheeda "Koko Da Doll" Williams,** a Black trans woman, killed in Atlanta, Georgia on April 18, 2023. She was 35 years old.
- **Ashley Burton,** a Black trans woman, killed in Atlanta, Georgia on April 11, 2023. She was 37 years old.
- **Tasiyah "Siyah" Woodland,** a Black trans woman, killed in St. Mary's County, Maryland on March 24, 2023. She was 18 years old.
- **Tortuguita,** an Indigenous queer and non-binary individual, killed in Atlanta, Georgia on January 18, 2023. They were 26 years old.
- **Cashay B. Henderson,** a Black trans woman, killed in Milwaukee, Wisconsin on February 26, 2023. She was 31 years old.
- **Maria Fer***,* a Latina trans woman, killed in Houston, Texas on January 21, 2023. She was 22 years old.
- **Jasmine "Star" Mack,** a Black trans woman, killed in Washington, DC on January 7, 2023. She was 36 years old.
- **Unique Banks,** a Latina trans woman, killed in Chicago, Illinois on January 23, 2023. She was 21 years old.

WHEREAS, bias, violence, and systemic oppression against transgender people remains unacceptably prevalent; and

WHEREAS, incarceration, homelessness, poverty, and addiction have a disproportionate impact on transgender individuals, particularly transgender women of color, and persistently result in the loss of lives; and

WHEREAS, violence against transgender people is fostered by the unprecedented wave of laws across the country that discriminate against, stigmatize, and criminalize transgender people, accompanied by ever-increasing hateful rhetoric against the transgender community; and

WHEREAS, transgender people and their allies are pushing back against such discriminatory laws, transphobic rhetoric, and hate violence; and

WHEREAS, transgender people have the same human rights as all people to live free from violence and discrimination, pursuing a life of joy, dignity, and aspirations for a future with respect and love as any other person;

WHEREAS, the City of Cleveland Heights commemorates *Transgender Day of Remembrance* and join with communities and organizations here and around the world to observe *Transgender Day of Remembrance* on November 20, 2023.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CELVELAND HEIGHTS, THAT:

SECTION 1. This Council does hereby recognize November 20, 2023 as *Transgender Day of Remembrance* in Cleveland Heights.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to join with other communities in recognizing *Transgender Day of Remembrance* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART
President of the Council

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ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

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KAHLIL SEREN
Mayor