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See Page 269 January 7, 1923
See Book No. 2719 4

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Page 143 No. 2662
Book No. 9.

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See Ord. No. 2396
In this bo

ORDINANCE NO. 2337.
By Councilman Smith.

AMENDED Oct 2 1922
See Page 177 No. Ord 252
Book N

An Ordinance establishing a zone plan regulating the location of trades, industries, apartment houses, two-family houses and other uses of property, the area and dimensions of lots and of yards and the alignment of buildings near street frontages.

Whereas, the City of Cleveland Heights is a residential suburb of the City of Cleveland having no steam railroad within its corporate limits and no industrial plants therein; and

Whereas, territory accessible from said City of Cleveland Heights is available for manufacturing, industrial, and commercial purposes for the general needs of the community of which said city forms a part; and

Whereas, substantially all of the property therein has been restricted for private residence purposes by the owners thereof, and most of such restricted property has been further restricted to single residences; and

Whereas, the street, sewer and water systems of the said city have been designed and constructed to take care of such restricted use and would prove inadequate for more congested use; and

Whereas, the territory hereinafter made available for commercial uses is deemed and hereby found to be sufficient for such purposes; and

Whereas, it is the desire of the citizens of said city and the Council thereof to preserve the present character of the said city and the public improvements therein, to prevent congestion, and promote and provide for the health, safety, convenience, comfort, prosperity and general welfare of the citizens thereof, for which reason the subject matter hereof constitutes an emergency as hereinafter specifically provided;

Now, Therefore, Be it Ordained by the Council of the City of Cleveland Heights, Ohio.

Section 1. Districts and Zone Map. For the purpose of regulating and restricting the location of trades, industries, apartment houses, two-family houses and other uses of property, the number of square feet of lot area per family housed, the width of lots, the location and size of yards and the height of buildings, the City of Cleveland Heights is hereby divided into five classes of use districts termed respectively class U1 or single family house districts, class U2 or two-family house districts, class U3 or apartment house districts, class U4 or local retail store districts and class U5 or commercial districts; and into three classes of height districts termed respectively class H1, H2 and H3; and into four classes of area districts termed respectively class A1, A2, A3 and A4; all as shown on the zone map which accompanies this Ordinance and is hereby declared to be part hereof. The use, height and area districts designated on said zone map are hereby established. The map designations and the map designation rules which accompany said map are hereby declared to be part thereof. No building or premises shall be erected or used except in conformity with the regulations herein prescribed for the use, height and area districts in which such building or premises is located.

Section 2. Definition. Certain words in this ordinance are defined for the purposes hereof as follows:

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

(b) The "street line" is the dividing line between the street and the lot.

(c) The "established grade" is the elevation of the street curb as fixed by the city.

(d) The "natural grade" is the elevation of the undisturbed natural surface of the ground adjoining the building.

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

(f) A "rear yard" is an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

(g) A "front yard" is an open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot.

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

(i) The "least dimension" of a yard is the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel the horizontal dimensions between them shall be deemed to be the mean distance between them.

(j) A "lot" is a parcel of land occupied by one building and the accessory buildings or uses customarily incident to it including such open spaces as are required by this ordinance and such open spaces as are arranged and designed to be used in connection with such building.

(k) A "family" is any number of individuals living and cooking together on the premises as a single housekeeping unit.

(l) A "dwelling" is a building arranged, intended or designed to be occupied by not more than two families living independently of each other and doing their own cooking upon the premises.

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

Ordinance No. 2337 - Continued.

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

(o) A "single family dwelling" is a dwelling either detached or semi-detached, arranged, intended or designed to be occupied by a single family.

(p) A "two-family dwelling" is a detached dwelling arranged, intended or designed to be occupied by two families, one of which has its principal living rooms on the first floor and the other of which has its principal living rooms on the second floor.

(q) A "double house" is two single-family dwellings with a party wall between.

(r) A "non-conforming use" is one that does not comply with the regulations of the use district in which it is situated.

(s) "Public notice" of a hearing or proceeding means 10 days notice of the time and place thereof printed in a newspaper of general circulation in the municipality.

(t) An "accessory" use or building is a use or building customarily incident to and located on the same lot with another use or building.

Section 3. Classification of Uses. For the purposes of this ordinance, the various uses of buildings and premises are divided into groups, classes and subdivisions as set forth in the following classification of uses. *Amended*

Class U1 uses. (Single family house.)

- (1) Single family dwelling.
- (2) Church. School. Public library. Public museum.
- (3) Community center building. Private club, excepting a club, the chief activity of which is a service customarily carried on as a business. Philanthropic or eleemosynary use or institution other than a penal or correctional institution. Hospital or sanitarium other than for the insane or feeble-minded.
- (4) Public park. Public playground. Public recreation building. Water tower or reservoir.
- (5) Suburban or interurban electric railway passenger station and right of way, not including railway yards.
- (6) Farming. Greenhouse, Nursery. Truck gardening.

Class U2 uses. (Two-family house.)

- (1) Two-family dwelling.

Class U3 uses. (Apartment house.)

- (1) Apartment house.
- (2) Hotel.

Class U4 uses. (Local retail store.)

- (1) Bank. Office. Studio. Telephone exchange. Fire station.
- (2) Retail store or shop for custom work or the making of articles to be sold only at retail on the premises.

Class U5 uses. (Commercial.)

- (1) Restaurant. Theater. Moving picture show. Police station.
- (2) Gasoline or oil station. Ice delivery station.
- (3) Skating rink or dance hall, if operated as a business for purposes of private profit.
- (4) Electric sub-station.
- (5) Job printing. Newspaper printing.
- (6) Garage. Repair shop for motor vehicles.
- (7) Stable or wagon shop for not more than five horses or wagons. Distributing station for central retail store.

Class U6 uses. (Commercial-special permit.)

- (1) Billboard or advertising sign.
- (2) Warehouse for, or storage in bulk in the open, of building materials, contractor's equipment, lumber, ice, coal, wood or household goods.
- (3) Ice manufacture. Ice cream manufacture. Bottling works. Milk bottling or central distribution station. Cold storage plant.
- (4) Laundry. Carpet cleaning. Dry cleaning. Dyeing.
- (5) Blacksmith, horseshoeing or wagon shop.
- (6) Interurban freight terminal. Street car barn. Stable or wagon shed for more than five horses or wagons.
- (7) Wholesale sales office or sample room.
- (8) Sewage disposal plant.
- (9) Stone Quarry. Gas well.
- (10) Incineration of garbage or refuse.
- (11) Refuse dump.

Class U7 uses. (Special permit.)

- (1) Aviation field.
- (2) Cemetery.
- (3) Crematory.
- (4) Penal or correctional institution.
- (5) Institution for the insane or feeble-minded.
- (6) Any public utility not included in a class U1, U2, U3, U4, U5 or U6 use.

Class U8 uses. (Prohibited.)

- (1) Manufacture or industrial operation of any kind other than a class U1, U2, U3, U4, U5, U6, U7 or U8 use.
- (2) Veterinary hospital.
- (3) Scrap iron or junk storage. Scrap paper or rag storage.
- (4) Reduction of garbage, refuse, offal or dead animals.
- (5) Explosives storage.
- (6) Wholesale produce market. Wholesale produce salesroom.

Ordinance No. 2337 - Continued.

Section 4. Single family house district. In a class U1 district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for a class U2,U3,U4,U5,U6,U7, or U8 use. In a class U1 district no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used except for a class U1 use. In any part of a class U1 district that is within a class A1 district, no building shall be used and no building shall be erected which is arranged, intended or designed to be used, as a semi-detached single family dwelling or double house. In a class U1 district no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (2) of class U1 uses, unless such building is located:

- (1) On a lot already devoted to a use enumerated in said subdivision;
- (2) On a lot fronting on a portion of a street between two intersecting streets in which portion there exists a building of a kind enumerated in either subdivision (2) or subdivision (3) of class U1 uses.
- (3) On a lot immediately adjacent to or across the street from a public park or public playground;
- (4) On a lot fronting on a street having street car tracks therein opposite such lot;
- (5) On a lot fronting on a portion of a street between two intersecting streets in which portion there exist premises devoted to a class U7 use or to a non-conforming use;
- (6) On a lot immediately adjoining or immediately opposite on the other side of the street from a class U2,U3,U4 or U5 district; or
- (7) On a lot determined by the city planning and zoning commission after public notice and hearing to be so located that such building will in the judgement of the city planning and zoning commission substantially serve the public convenience and welfare, and will not substantially and permanently injure the appropriate use of neighboring property.

In a class U1 district no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (3) of class U1 uses, unless such building is located;

- (1) On a lot already devoted to a use enumerated in said subdivision;
- (2) On a lot fronting on a portion of a street between two intersecting streets in which portion there exists a building of a kind enumerated in said subdivision.
- (3) On a lot immediately adjacent to or across the street from a public park or public playground;
- (4) On a lot immediately adjoining or immediately opposite on the other side of the street from a class U2,U3,U4 or U5 district; or
- (5) On a lot determined by the city planning and zoning commission after public notice and hearing to be so located that such building will in the judgement of the city planning and zoning commission substantially serve the public convenience and welfare, and will not substantially and permanently injure the appropriate use of neighboring property.

Section 5. Two family house districts: In a class U2 district no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, for a class U3,U4, U5,U6,U7 or U8 use.

In a class U2 district no building or premises shall be used and no building shall be created which is arranged, intended or designed to be used, except for a class U1 or U2 use.

Section 6. Apartment house district, In a class U3 district no building or premise shall be use, and no building shall be erected which is arranged, intended or designed to be used for a class U4,U5,U6,U7 or U8 use. In a class U3 district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used except for a class U1, U2 or U3 use.

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Section 7. Accessory uses in residence districts. An accessory use customarily incident to a class U1, U2 or U3 use shall also be permitted in, respectively a class U1,U2 or U3 district, provided such accessory use is located upon the same lot with the building or use to which it is accessory. In a U1 or U2 district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2,000 square feet of the lot area. In a class U3 district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 625 square feet of the lot area. A billboard, signboard or advertising sign shall in no case be permitted as an accessory use. The placing of a "for sale" or "for rent" sign shall, however, be permitted as an accessory use. In a class U1 or U2 district a private driveway or walk used for access to a class U3,U4 or U5 use shall in no case be permitted as an accessory use. In a class U3 district a private driveway or walk used for access to a class U4 or U5 use shall in no case be permitted as an accessory use. A store, trade or business shall not be permitted as an accessory use except that the office of a physician or surgeon may be located in the dwelling or apartment used by such physician or surgeon, as his private residence, and except that any person carrying on a customary home occupation, may do so in a dwelling or apartment used by him as his private residence, provided no persons other than members of his own household are employed in such occupation and no window display or signboard is used to advertise such occupation. In a dwelling or apartment occupied as a private residence, one or more rooms may be rented or table board furnished provided no window display or signboard is used to advertise such use. In a U3 district a restaurant or public dining room may be located in a hotel or apartment house as an accessory use.

Section 8. Local retail store district. (a) In a class U4 district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for a class U5,U6,U7 or U8 use. In a class U4 district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, except for a class U1,U2,U3 or U4 use.

(b) An accessory use customarily incident to a class U4 use shall also be permitted in a class U4 district provided such accessory use is located upon the same lot with the building or use to which it is accessory. A private garage, permitted as an accessory use shall not provide storage for more than one motor vehicle for each 1,500 square feet of lot area.

Ordinance No. 2337 - Continued.

Section 9. Commercial (a) In a class U5 district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for a class U7 or U8 use. In a class U5 district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, except for a class U1, U2, U3, U4, U5 or U6 use. Provided that no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, for a class U6 use unless upon a lot approved after public notice and hearing by the city planning and zoning commission as being a location where such use will in the judgement of the city planning and zoning commission substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of neighboring property.

(b) An accessory use customarily incident to a class U5 use shall also be permitted in a class U5 district provided such accessory use is located upon the same lot with the building or use to which it is accessory.

Section 10. Use district exceptions. (1) The city planning and zoning commission may in specific cases, after public notice and hearing and subject to such conditions and safeguards as the commission may establish, determine and vary the application of the use district regulations herein established, which permission shall be confirmed by resolution of the council before becoming effective, as follows:

(a) Permit the extension of a building or use into a more restricted district immediately adjacent thereto but not more than 50 feet beyond the boundary line of the district in which such building or use is authorized.

(b) Permit the extension of a non-conforming use or building upon the lot occupied by such use or building at the time of the passage of this ordinance.

(c) Permit in a use district any use deemed by the commission in general keeping with the uses authorized in such district.

(d) Grant in undeveloped sections of the city temporary and conditional permits for not more than two year periods for structures and uses that do not conform to the regulations herein prescribed for the use district in which they are to be located.

(e) Permit the location of a class U7 use in any use district provided such use in such location will in the judgement of the city planning and zoning commission substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of the neighboring property.

(2) A class U7 use existing in any use district at the time of the passage of this ordinance shall be deemed an authorized use upon the plot devoted to such use at the time of the passage of this ordinance.

Section 11. Non-conforming uses. A non-conforming use existing at the time of the passage of this ordinance may be continued. A non-conforming use shall not be extended except as authorized by the preceding section but the extension of a use to any portion of a building which portion was arranged or designed for such non-conforming use at the time of the passage of this ordinance, shall not be deemed the extension of a non-conforming use. A building arranged, designed or devoted to a non-conforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding in aggregate cost, during any ten year period, 60 per cent of the assessed value of the building unless the use of said building is changed to a conforming use. A non-conforming use may not be changed unless changed to a higher use. A non-conforming use if changed to a conforming use may not thereafter be changed back to any non-conforming use. A non-conforming use if changed to a higher non-conforming use may not thereafter be changed unless to a still higher use. A non-conforming use included in a U8 use^{class} shall not be changed unless changed to a conforming use. In a U1,U2 or U3 district a non-conforming use included in a U4,U5,U6 or U7 use class shall not be changed unless changed to a conforming use. For the purposes of this ordinance a use shall be deemed to be changed if changed from a use included in a subdivision of a use class to a use not included in such subdivision. For the purposes of this ordinance a non-conforming use shall be deemed to be changed to a higher use if the use to which such non-conforming use is changed is a use included in a subdivision of a use class that in the arrangement of classes and subdivisions in the classification of uses precedes the subdivision in which such non-conforming use is included.

Section 12. Heights districts. (1) In a class H1 district no building shall be erected to a height in excess of $2\frac{1}{2}$ stories or in excess of 35 feet, except that in the case of a church, school or library building such limit shall be 40 feet.

(2) In a class H2 district no building shall be erected to a height in excess of four stories or in excess of 50 feet.

(3) In a class H3 district no building shall be erected to a height in excess of 100 feet.

Section 13. Heights district exceptions. (a) The provisions of the preceding section shall not apply to restrict the height of a church spire, belfry, clock tower, wireless tower, chimney flue, water tank, elevator bulkhead or stage tower or scenery loft.

(b) The city planning and zoning commission may, after public notice and hearing and subject to such conditions and safeguards as the commission may prescribe to protect the appropriate use of neighboring property, permit the erection of a building or portion of a building covering not more than 25 per cent of the area of the lot to a height in excess of the limits prescribed in the preceding section, which permission shall be confirmed by resolution of the council before becoming effective.

(c) Nothing in this ordinance shall prevent the erection above the height limit of a parapet wall or cornice solely for ornament and without windows extending above such height limit not more than three feet.

Ordinance No. 2337 - Continued.

Section 14. Lot area per family. (a) In a class A1 district no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 5,000 square feet of the area of the lot if an interior lot or for each 4,000 square feet if a corner lot. Provided that one single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded subdivision that was on record in the office of the county recorder at the time of the passage of this ordinance.

*Amended
Ord. 2*

(b) In a class A2 district no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 2,400 square feet of the area of the lot in an interior lot or for each 2,000 square feet if a corner lot.

(c) In a class A3 district no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 1,250 square feet of the area of the lot if an interior lot or for each 1,000 square feet if a corner lot.

(d) In a class A 4 district no dwelling or apartment house shall be erected or altered to accommodate or make provision for more than one family for each 625 square feet of the area of the lot if an interior lot or for each 500 square feet if a corner lot.

(e) In computing such area of the lot for the purposes of this section, any part of the area of any corner lot in excess of 8,000 square feet shall be considered an interior lot.

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

Section 15. Rear houses. In a class U1, U2 or U3 district, every dwelling or apartment house erected shall have access to a public street, and if located in the rear of other buildings with no immediate street frontage, an easement for access shall be provided over an unoccupied strip of land at least 24 feet in width and such reserve strip may not form a part of any yard or lot areas required by this ordinance.

Section 16. Width of lot in residence districts. In a class U1, U2 or U3 district no dwelling shall be erected on a lot having an average width of less than 40 feet unless such lot was separately owned at the time of the passage of this ordinance or unless such lot is a numbered lot in a subdivision that was on record in the office of the county recorder at the time of the passage of this ordinance. In a class U1 district no double house shall be erected on a lot having an average width of less than 50 feet. In a class U3 district no apartment house or hotel shall be erected on a lot having an average width of less than 50 feet.

96
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Section 17. Side yards in residence districts. In a class U1, U2 or U3 district for every building erected there shall be a side yard along each lot line other than a front line or rear line. Each single family dwelling, each two family dwelling and each apartment house shall be deemed a separate building and shall have side yards as above prescribed except that two single family dwellings may be attached as a double house and be considered a single building in any area other than an area within a portion of a class U1 district that is within a class A1 district. In a class U1, U2 or U3 district, the least dimension of the side yard shall be not less than 3 feet and at least 25 per cent of the average width of the lot shall be devoted to side yards but not more than 25 feet in width need be so devoted. For an apartment house or hotel in a U3 district the least dimension of each side yard shall be not less than 12 per cent of the average width of the lot, but such least dimension need not exceed 12 feet, provided such least dimension shall in no case be less than one-sixth of the height of the building.

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27
662
Section 18. Rear yards in residence districts. In a class U1, U2 or U3 district every building erected shall have a rear yard. The least dimension of such rear yard shall be 20 per cent of the depth of the lot but such least dimension need not be more than 40 feet provided such least dimension shall in no case be less than one-half of the height of the building. Forty per cent of the area of such yard may be occupied by a one story accessory building not more than 15 feet in height, but on a corner lot the rear line of which is identical with the side line of an interior lot, no such accessory building if detached from the main building shall be erected within 25 feet of any street line or within 10 feet of the rear lot line.

Section 19. Side and rear yards in business districts. In a class U4 or U5 district where the side line of the lot adjoins a class U1, U2 or U3 district, no building unless located 50 feet or more back from the street line shall be erected within 10 feet of such adjoining class U1, U2 or U3 district. In a class U4 or U5 district where the rear line of the lot adjoins a class U1, U2 or U3 district every building erected shall have a rear yard. The least dimension of such yard shall be at least 20 percent of the depth of the lot, but such least dimension need not be more than 40 feet provided such least dimension shall in no case be less than one-half of the height of the building. Forty per cent of the area of such rear yard may be occupied by a one story accessory building, but on a corner lot no such accessory building if detached from the main building shall be erected within 25 feet of the street line and no such accessory building unless located 50 feet or more back from the street line shall be erected within 10 feet of the rear lot line.

Section 20. Side and rear yard exceptions. (a) The area required in a side or rear yard shall be open from the established grade or from the natural grade if higher than the established grade to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than four inches, except that within five feet of the street wall, a cornice may project not over three feet into such yard, and provided that if the building is not over $2\frac{1}{2}$ stories in height, the cornice may project not more than $2\frac{1}{2}$ feet into such yard.

(b) A corner of a yard may be cut off between the walls of the same building provided that the length of the wall of such cut-off does not exceed seven feet.

Ordinance No. 2337 - Continued.

(c) A building and any accessory building erected on the same lot shall, for the purpose of side and rear yard requirements, be considered as a single building.

Section 21. Front yards; building lines. For the purpose of regulating front yards, for the purpose of further regulating side yards of corner buildings and for the purpose of regulating the alignment of buildings near street frontages, building lines as set forth on the building line map which accompanies this ordinance and is hereby declared to be part hereof, are hereby established. The map designations and the map designation rules which accompany said map are hereby declared part thereof. Between a building line and the street line no building or portion of a building extending above the established grade may be erected. In a class U1 district a one story unenclosed porch may, however be constructed between the building line and the street line. On a corner lot between the building line and the street line and within the triangular space included between the street lines for a distance of 25 feet from their point of intersection, no fence or other structure more than three feet in height above the place of the established grade shall hereafter be erected, and no shrubs or foliage shall be maintained that in the judgement of the inspector of buildings will materially obstruct the view of a driver of a vehicle approaching the intersection, and within 75 feet of the center of such intersection, of approaching cross traffic within 75 feet of the center of such intersection. Where a building line is shown on the building line map as an existing alignment line, the alignment of the buildings existing along such frontage shall determine the building line. In a class U4 or U5 district where a building line is required along both the front and side line of a corner lot, and the building thereon as constructed faces the front of the lot, the building line along such side line for a distance of 150 feet back from the building line at the corner shall be located 5 feet back from the street line in all cases where a greater distance is prescribed on the building line map. On any street frontage in a Class U1, U2 or U3 district, where no building line is designated on the building line map the location of the building line shall be as follows:

(a) On a street frontage on either side of a street between two intersecting streets, but excluding the frontage along the side line of a corner lot, the distance of the building line back from the street line shall be 20 per cent of the average or normal depth of the lots having their front lines along such street frontage, but such distance back from the street line need not be more than 40 feet. Where in any portion of such street frontage there are lots of markedly less depth than the normal, the city planning and zoning commission in defining and applying this building line regulation may, when in its opinion the general purpose and intent of this section will be better served thereby, divide such street frontage into sections for the application of the above 20 per cent building line requirement. For the purpose of this paragraph the term "lot" shall include unimproved parcels in separate ownership and unimproved lots or parcels in subdivisions of land.

(b) In a class U1 or U2 district, along the side line of a corner lot the distance of the building line back from the street line shall be 20 per cent of the average width of such lot, but such distance back from the street line need not be more than 20 feet. In a class U3 district along the side line of a corner lot the distance of the building line back from the street line shall be 12 per cent of the average width of such lot, but such distance back from the street line need not be more than 12 feet.

Amended Ord. 2

Section 22. Enforcement; board of zoning appeals. This ordinance shall be enforced by the inspector of buildings under the rules and regulations of the board of zoning appeals. The city planning and zoning commission is hereby constituted a board of zoning appeals for the purpose of this ordinance. All meetings of the board of zoning appeals shall be public. The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicate such fact. The board of zoning appeals shall adopt from time to time such rules and regulations as they may deem necessary to carry into effect the provisions of this ordinance. Any decision of the inspector of buildings made in the enforcement of this ordinance may be appealed to the board of zoning appeals by any person claiming to be adversely affected by such decision. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the board of zoning appeals shall have power in a specific case to vary any such provision in harmony with its general purpose and intent so that the public health, safety and general welfare may be secured and substantial justice done.

Section 23. Interpretation; purpose. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard areas required by this ordinance for a particular building shall not be diminished and shall not be included as a part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time of the passage of this ordinance shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected. This ordinance shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor shall this ordinance interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations or by such easements, covenants or agreements, the provisions of this ordinance shall control.

Section 24. Amendments. The council may from time to time on its own motion or on petition, after public notice and hearing, amend the regulations and districts herein established. Every such proposed amendment shall be referred by the council to the city planning and zoning commission for report. Any such amendment that has failed to receive the approval of the city planning and zoning commission shall not be passed by the council except by a three-fourths vote. If a protest against such amendment be presented duly signed and acknowledged by the owners of 20 per cent of the land within such area proposed to be altered, such amendment shall not be passed except by a three-fourths vote of the council. If such amendment will transfer an area to a less restrictive use, height or area district and a protest is presented duly signed and acknowledged by the owners of 20 per cent of the land adjacent to and within 200 feet from such area proposed to be transferred and within a more restricted use,

Ordinance No. 2337 - Continued.

height or area district than the district in which such area is proposed to be transferred, such amendment shall not be passed except by a three-fourths vote of the council. Whenever the owners of 50 per cent of the land in any area shall present a petition duly signed and acknowledged to the council requesting an amendment of the regulations prescribed for such area it shall be the duty of the council to vote upon such amendment within 90 days of the filing of same by the petitioners with the city clerk. If any area is hereafter transferred to another district by a change in the district boundaries by amendment as provided in this section, the provisions of this ordinance with regard to buildings or premises existing at the time of the passage of this ordinance shall apply to buildings or premises existing in such transferred area at the time of the passage of such amendment.

Section 25. Completion and restoration of existed buildings.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within 30 days of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within 6 months of the date of such permit, and which entire building shall be completed according to such plans, as filed, within two years from the date of the passage of this ordinance. Nothing in this ordinance shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy, subsequent to the passage of this ordinance or prevent a change of such existing use under the limitations provided in section 11. Nothing in this ordinance shall prevent the restoration of a wall declared unsafe by the commissioner of buildings.

Section 26. Penalty for Violation. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder or contractor who may be employed to assist in the commission of any such violation and all persons or corporations who shall violate any of the provisions of this ordinance or fail to comply therewith, or any requirements thereof or who shall build in violation of any detailed statement of plans submitted and approved thereunder, shall for each and every violation or non-compliance be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred (\$500) dollars. And each day during which such violation shall continue shall constitute a separate offense.

Section 27. Invalidity of a part. The sections, subsections, districts and building lines forming part of or established by this ordinance and the several parts, provisions and regulations thereof are hereby declared to be independent sections, subsections, districts, building lines, parts, provisions and regulations, and the holding of any such section, subsection, district, building line, part, provision or regulation thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, district, building line, part, provision or regulation thereof.

Section 28. Emergency. When effective. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City of Cleveland Heights for the reason that various uses of property inconsistent with the proposed plan of city development herein provided are believed to be imminent and that such uses would permanently injure or partially nullify such orderly plan of development.

This ordinance shall go into immediate effect upon its passage.

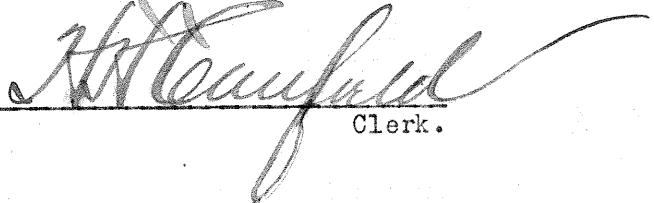
Adopted August 2, 1921.

H. H. Canfield
City Clerk.

F. C. Cain
Mayor, President of Council.

* Note- See Below.

I, H. H. Canfield, Clerk of the City of Cleveland Heights, Ohio, do hereby certify that I caused the foregoing Resolution No. 2337 to be posted on the 6th day of August 1921 at the five different places in the City designated in Ordinance No. 1299, passed on the 5th day of April, 1915.


Clerk.

x Two new sections

* Note. Three new sections have been added to this Ordinance, See Section 4 of Ord. 2396, in re change on East Fairfax Road, and Sections 1 and 2 of Ordinance 2719 in re changes on Noble Road.