

Ordinance No. 800-2023

By Council Members Hairston and Griffin
(by departmental request)

AN ORDINANCE

To amend Section 337.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 582-18, passed July 18, 2018, relating to Townhouse (RA) Districts.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Section 337.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 582-18, passed July 18, 2018, is amended to read as follows:

Section 337.031 Townhouse (RA) Districts

(a) Purpose.

Townhouse Districts (i.e., Residential Attached Districts) are established to set the requirements for the form, site plan and building features of ~~townhouse developments~~ Townhouse Projects, as defined below.

Safe sidewalks, inviting streets and compelling urban form are essential elements of vibrant, walkable urban neighborhoods. The inherent density of townhouses is a key component of this vision, but without thoughtful site planning and architectural design, this goal will not be fully realized. The provisions and standards of this section are intended to accommodate a variety of innovative housing typologies for infill development and to ensure compatibility of such units ~~to make these elements the standards for developments~~ in Cleveland's neighborhoods.

The following regulations provide clear guidance for the development and design of high quality Townhouse Projects in Cleveland that protect the health, safety, and general welfare of all citizens. The standards set forth in division (f) of this section are applied uniformly and are the minimum standards for any Townhouse Project.

(b) Definitions.

(1) "Townhouse Unit" is a ~~single~~ one (1) or two (2) family dwelling unit on its own lot, ~~served by its own exclusive exterior pedestrian entrance, and which is attached to one (1) or more other~~ Townhouse Units by fire walls or fire separation walls.

(2) "Townhouse Building" is a building composed of two (2) or more Townhouse Units.

(3) "Townhouse Project" is any combination of one (1) family or two (2) family detached dwelling units, Townhouse Units, and/or Townhouse Buildings submitted to the City as a unified development proposal. When one (2) family or two (2) family detached dwelling units are part of a Townhouse Project application, they must be contiguous with Townhouse Units and must comply with all requirements for Townhouse Units for the purposes of this section. One (1) family or two (2) family detached dwelling units may not exceed 1/3 of the total unit count for a Townhouse Project in order to be reviewed under Section 337.031.

~~(3)~~(4) "Principal Pedestrian Entrance" is the exterior door exclusive to the dwelling unit that offers a pedestrian the most visible and direct means of ingress and egress to a public right of way or private walkway.

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(4)(5) "Principal Primary Street Frontage" is the street line where a Townhouse Unit's Principal Pedestrian Entrance is located. Where a Townhouse Unit has a lot line abutting a Public Space, that frontage shall be regulated as a Principal Primary Street Frontage.

(5)(6) "Secondary Street Frontage" ~~means that on corner lots, all street lines that are not the Principal Frontage are considered Secondary Street Frontages; also known as the side street frontage.~~ is, for corner lots, any street line that is not the Primary Street Frontage, and is sometimes also known as the 'side street frontage'.

(6)(7) "Interior Frontage" is, for lots fronting an alley or without a street line, the interior frontage of a Townhouse Unit where the Principal Pedestrian Entrance is located.

(7)(8) "Frontage Build-Out" ~~means~~ is the portion of the Principal Primary and Secondary Street Frontage containing a building.

(8)(9) "Active Uses" are those habitable spaces of a dwelling most often used for living, eating or cooking. These spaces encourage 'eyes on the street' and include such spaces as living rooms, offices, kitchens, ~~and the like or similar.~~ Non-habitable spaces, garages, hallways, corridors, bathrooms, closets, storage, mechanical rooms, utility spaces, ~~and the like or similar~~ are not considered Active Uses.

(9)(10) "Human-Scaled Materials" are ~~defined as materials~~ which have a maximum width of twelve inches (12") maximum width in either the vertical or the horizontal dimension. The other dimension is unlimited. Examples include brick, stone, wood, fiber-cement lap siding, terra cotta, ~~and the like or similar materials.~~

(11) "Motor Court" is an internal 'private road' for a Townhouse Project allowing access from a public right of way to private garages or parking spaces. Court regulations in Section 357.16 of these Codified Ordinances do not apply to Townhouse Units and/or Townhouse Projects.

(12) "Mews Unit" is any Townhouse Unit with an Interior Frontage facing a Motor Court fronting a private walkway.

(13) "Private Road" is a privately owned, controlled and maintained drive, street, road or lane that provides the primary means of vehicular ingress or egress to a common access drive for two or more lots, even if such lots have Primary Street Frontage.

(14) "Private Walkway" is any sidewalk or passageway located on privately-owned property.

(15) "Transition" is an additional setback for each story that begins above 24' or for each story over the second story, whichever is less. It is a buffer requirement measured from the setback building line that is adjacent to a common property line and abuts a district with a lower height intensity.

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(c) District Establishment.

The following Townhouse Districts are hereby established: RA-1, RA-2, and RA-3. The abbreviation “RA” means “Residential Attached” and the number indicates that the Districts are listed in order of “density” from lowest to highest.

(d) Permitted uses in all RA Districts.

A. Townhouses	Permitted
B. Accessory uses	As permitted in the Two-Family District

(e) Site Planning and Design.

No Building Permit shall be issued for the original construction of a Townhouse Unit or Townhouse Building without design approval by the ~~Director of the City Planning Commission, or the Director of City Planning, who~~ which shall seek to ensure that the development meets the spirit and intent of division (a) by applying the design and form standards set forth below, except that such approval shall not apply to Townhouse Projects that are designated as Landmarks, or are located in Landmark Districts, for which design approval shall be the responsibility of the Landmarks Commission.

(1) Compatibility. The development shall be visually compatible with nearby properties with respect to such residential design elements as scale, height, setbacks, orientation to existing streets, roof lines, architectural character, materials, colors, and proportions of architectural features.

(2) Site Layout. Buildings, structures and landscape features shall be arranged so as to create visual interest; promote security and personal safety; promote safe, efficient, and comfortable pedestrian circulation; facilitate safe and efficient vehicular circulation; conserve natural features; and provide usable common and private open space.

(3) Building Features. Townhouse Units shall contribute to the character of the ~~neighborhood~~ public realm by drawing from the best examples of architecture and urbanism. Townhouse Units shall be designed to create active and attractive street frontages that promote safety and walkability using the essential elements of traditional urban architecture as regulated in division ~~(f)~~ (g) of this section ~~code~~.

(4) Circulation and Parking. Circulation and parking shall be designed to achieve the following:

- A. Provide proper access for service and safety vehicles;
- B. Minimize conflicts between pedestrians and vehicles;
- C. Minimize the number of curb cuts;

D. Maximize opportunities for on-street parking, transit waiting environments, bike lanes, drop-off zones, street furniture, public amenities, and preserving and street trees by prohibiting front loaded garages and unenclosed parking in front yards.; and

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E. Prohibit placement of garage doors so close to sidewalks as to impair pedestrian safety.

(f) Area, Yard, Siting and Design Standards Regulations.

The following yard and area standards regulations shall apply in RA-1, RA-2, and RA-3 Districts.

	RA-1 District	RA-2 District		RA-3 District
		RA-1 District	RA-2 District	RA-3 District
(1) Lot Dimensions		No min		
(2) Setbacks	Where applicable	Requirements		
A. Front Yard Depth ¹ See division (g)(2) below for Frontage Diagram.	Principal Primary	Min: 20' or, if greater, the average setback of the buildings within 100' on both sides. Max: none	Min: 10' Max: 20'	Min: 0' Max: 12'
	Secondary	Min: 7'	Min: 5'	Min: none
	Interior	Min: 10'	Min: 8' 10'	Min: 7' 10'
	<u>Mews Unit</u>	<u>Min: 10'</u>	<u>Min: 10'</u>	<u>Min: 10'</u>
B. Interior Side Yard Depth ²	Adjoining 1 or 2-Family District	Min: 10'	Min: 5'	Min: 3'
	Adjoining Other District	Min: 7'	Min: 5'	Min: none 3'
C. Rear Yard Depth ³	Rear lot line adjoining 1 or 2-Family District	Min: 15'	Min: 10'	Min: 7'
	Rear lot line adjoining Other District	Min: 10'	Min: 10'	Min: none 3'
(3) Building Design Features				
A. First-story glazing % of facade required to be transparent windows and doors between 3' and 7' above finished floor.	Principal Primary	Min: 35% Where the finished first floor is 48" or more above grade: Min. 20% glazing between grade and the finished first floor, less Frontage Feature areas.		
	Secondary	Min: 25% Where the finished first floor is 48" or more above grade: Min. 20% glazing between grade and the finished first floor, less Frontage Feature areas.		
	Interior	Min: 20%		
	<u>Mews Unit</u>	<u>Min: 20%</u>		
B. Active uses on first story	Principal Primary	Required on 60 % of total Frontage Buildout. Min depth: 9'		
	Secondary	No requirement		
	Interior	No requirement		
	<u>Mews Unit</u>	<u>Required</u> <u>Min depth: 6'</u>		
C. Floor Area Ratio	No requirement			
D. Entrances	Each Townhouse Unit with a Street Line shall provide a Principal Pedestrian Entrance directly to the street line or on the Interior Frontage, as applicable. Corner lots are required only one (1) Principal Pedestrian Entrance.			
	<u>Mews Units</u>	<u>Any Mews Unit more than 150' from a street line shall provide a Principal Pedestrian Entrance facing the Motor Court.</u>		
		<u>Each Mews Unit in a Townhouse Building with more than three (3) shared walls shall provide at least two (2) ground floor Principal Pedestrian Entrances.</u>		
E. Frontage feature (See Figure (h)(1) (g)(1) of this section)		A or B Required Min. porch depth: 6'	B, C or E Required Min. area: 16 sq. ft.	B, C, D or E Required Min. area: 16 sq. ft.

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F. Height of finished first floor above grade ³ <u>grade</u> ⁴	Principal <u>Primary</u>	Min: 18" Max: 4'	Min: 24" Max: 4'	Min: 28" Max: 5'6"
	Secondary	Min: 18" Max: 4'	Min: 24" Max: 4'	Min: 28" Max: 5'6"
	Interior	Min: 12" Max: 5'6"	Min: 12" Max: 5'6"	Min: 18" Max: 5'6"
	<u>Mews Unit</u>	<u>Min: 12"</u> <u>Max: 5'6"</u>	<u>Min: 12"</u> <u>Max: 5'6"</u>	<u>Min: 18"</u> <u>Max: 5'6"</u>
G. Private Open Space (sq. ft. per unit) ⁵	All	150'	100'	0'
G. H. First floor materials; Principal , <u>Primary</u> Secondary	Human scaled; ex. brick, stone, lap siding, wood, terra cotta or similar. Above first-story: Materials in any dimension are permitted. Prohibited Materials on Principal , <u>Primary</u> and Secondary Street Frontage: plain and split-face concrete masonry units and synthetic stucco.			
I. Transitions	<u>For each story that begins above 24' feet or for each story over the second story, whichever is less, the additional minimum setback shall be:</u>			
<u>Additional setback above 24'/2nd story (min) – measured from setback building line most adjacent to common property line</u>	All	<u>Min: 10'</u>	<u>Min: 5'</u>	<u>Min: 3'</u>
(4) Garages, Car Openings, and Driveways and Motor Courts				
A. Garage or Car Openings fronting a Principal <u>Primary</u> and Secondary Street Frontage	Not Permitted			
B. Garage or Car Openings perpendicular to a Principal <u>Primary</u> and Secondary Street Frontage	Streetscreen or fence required at actual Principal <u>Primary</u> and Secondary Street setback, minus permitted driveways. Streetscreens or fence shall be a min. 3.5' in height, max. height as allowed by the Zoning Code.			
C. Garage or Car Openings within an established front yard setback on a Secondary Street	Streetscreen or fence is required along the shared rear/side yard property line. Streetscreen or fence shall be a min. 3.5' in height, max. height as allowed by the Zoning Code.			
D. Alley access ⁶	Where an alley abuts the development, no curb cuts shall be permitted on Principal <u>Primary</u> or Secondary Street Frontage.			
E. One-way vehicular driveway width	Max: 11'			
F. Two-way vehicular driveway serving multiple units width	Max: 18' <u>20'</u>			
G. <u>Motor Court landscaping</u>	<u>25 sq. ft. of dedicated landscape area in the Motor Court for every 32 linear feet of garage door or garage entry that is visible from a public street immediately adjacent to the property, not including alleys.</u>			
H. <u>Motor Court paving material</u>	<u>Any whole or portion of a Motor Court with garage doors or garage entry visible from a public street immediately adjacent to the property, not including alleys, shall have at least 60% of its surface area paved with human-scaled materials or distinctive characteristics to give visual cues to delineate space between pedestrians and vehicles.</u>			
G. I. Continuous at-grade sidewalk and apron	Required			
<p>1 Except that any mapped or established setback shall prevail over the setbacks of this section.</p> <p>2 Does not apply to lot lines separating attached dwellings as a non-condominium townhouse development.</p> <p>3 <u>Rear yard and Interior Frontages may be 0' if building is abutting a driveway or Motor Court and an access easement is provided.</u></p> <p>3 <u>4 For infill townhouses: Height of Finished Floor above grade shall match the typical height found in the adjacent context. Where the Height of Finished Floor above grade in the adjacent context is outside the range set forth in division (f)(3)F, the Height of Finished Floor above grade shall be set at the min or max permitted by division (f)(3)F.</u></p> <p>5 <u>Garden, deck, patio, balcony, solarium or other similar open space adjacent to the residence, for the private use of the resident household.</u></p> <p>6 <u>Garages must be placed entirely to the rear of each unit and be rear-accessed and cannot front a public street. Garage may be attached or detached. Garage doors should face the rear or side alley or Private Road.</u></p>				

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(g) Diagrams & Modifications

(1)

Required Frontage Features

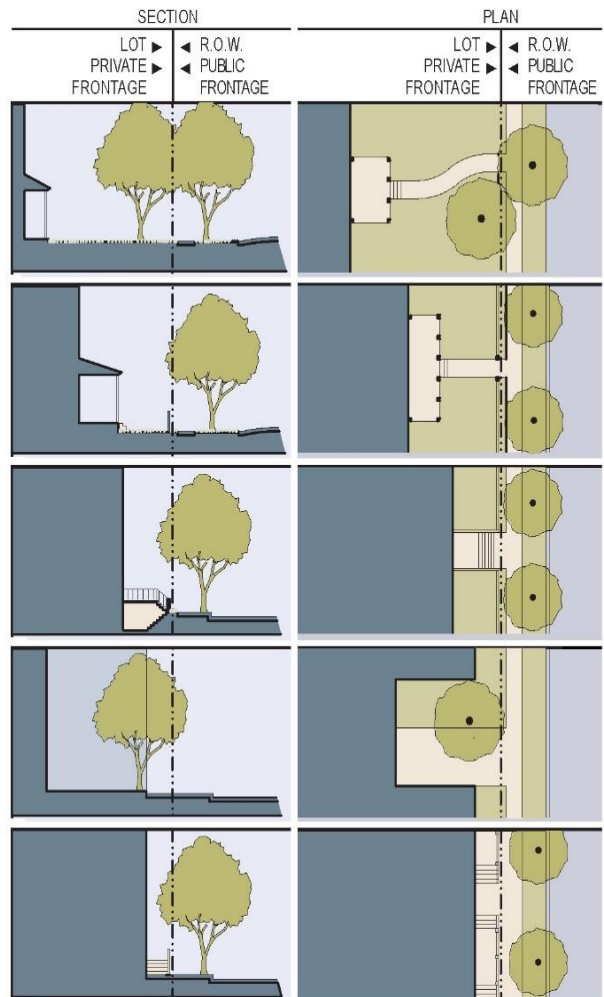
a. Common Yard: A planted frontage wherein the building façade is set back substantially from the right of way line. The front yard created may remain unfenced and be visually continuous with adjacent yards. This frontage is found where deep front yards are consistent with the surrounding context. The deep front yard setback can provide a buffer from higher speed thoroughfares.

b. Porch & Fence: A planted frontage wherein the building façade is set back from the front yard line, with an attached porch as a permitted yard encroachment. A fence at the right of way line maintains the spatial definition of the street and provides delineation between public and private space.

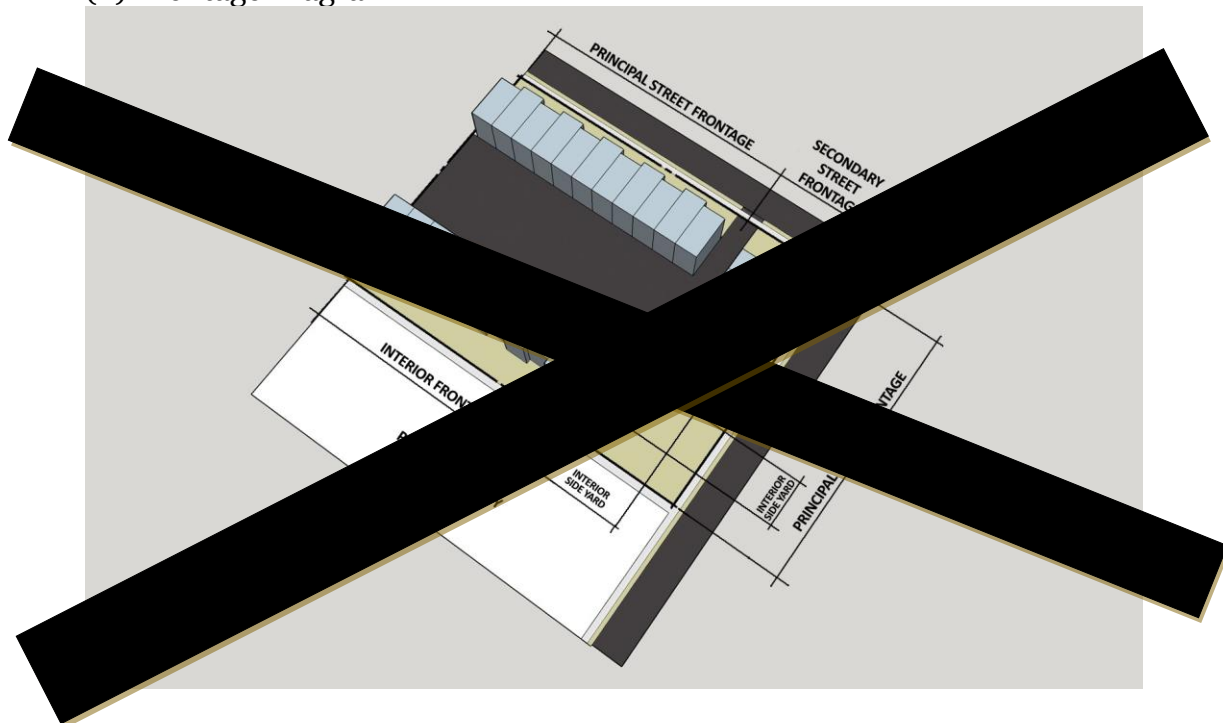
c. Terrace or Lightwell: A frontage wherein the building façade is set back from the right of way line, with an elevated terrace or a sunken lightwell. This frontage feature buffers residential uses from urban sidewalks. Synonym: Dooryard.

d. Forecourt: A frontage wherein a portion of the building façade is set back from the right of way line, and the rest of the façade is set close to the right of way line. This frontage feature is often used in apartment buildings. This frontage feature is usually used in conjunction with other frontage features.

e. Stoop: A frontage wherein the building façade is close to the right of way line. An exterior stair and landing provide access to the main building entrance. The First Story is elevated from the sidewalk level sufficiently to ensure privacy for First Story windows. This frontage feature is recommended for First Story residential uses. The Stoop is a permitted yard encroachment.



(2) Frontage Diagram



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~~(3)~~ (2) Administrative modifications. The Director of City Planning may require a numerical standard that is different from the standard under section (f) up to twenty percent (20%) in any direction if it is determined that such relief will result in a Townhouse Unit or Townhouse Building that is more appropriately situated and/or more consistent with its context. This provision shall not apply to section (f)(3)F.

Example application of Director's discretion:

In the RA-3 District the Director may administratively reduce the required Interior Front Yard Depth from the numerical standard of ~~5'7"~~ (~~7' x 0.8 = 5'7"~~) 10' to 8' (10' x 0.8 = 8').

(h) Procedures and Appeals.

~~(1) — Application of the RA Code. In all zoning districts other than a mapped Townhouse District, proposed townhouse developments shall be reviewed under the RA District whose front yard setback in division (f)(2)A most closely matches or complements the zoning district of the proposed development as determined by the Director of City Planning. To determine which RA District the development shall be reviewed under:~~

(1) Submission of an Application. An application to construct a Townhouse Project, subject to the regulations of this Chapter, shall be submitted to the Department of Building & Housing as part of a Building Permit application. The application shall include a scaled site plan with street elevations and photographs showing the proposed construction, along with existing structures within 250 feet of the site on all sides as the relevant area of context.

(2) Determination of Compliance. The Department of Building and Housing shall determine if the application conforms to the requirements of this Chapter and other applicable regulations of the City of Cleveland, except for those provisions that require a determination by the City Planning Commission or its Director.

(3) Referral to City Planning Commission. For proposals subject to approval by the City Planning Commission or Landmarks Commission for design review, under Chapter 341 of these Codified Ordinances, or for permitted uses, under division (d) of Section 337.031, the Department of Building and Housing shall refer the application to the Department of City Planning and the City Planning Commission for review and approval.

(4) City Planning Director Action. The Director of City Planning, or his/her zoning designee, shall determine which RA District regulations are applicable to a project application. In all zoning districts other than a mapped Townhouse District, proposed Townhouse Projects shall be reviewed under the RA District whose Front Yard Depth in division (f)(2)A most closely matches or compliments the zoning district of the proposed development. To determine which RA District is applicable, the Department of City Planning shall:

A. Determine the existing typical front yard setback of the zoning district of the proposed development.

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B. For proposals to be constructed at mid-block, the RA District whose front yard setback range most closely aligns with the setback of the existing buildings on the block shall be applied.

C. For proposals to be constructed on corners, context from the buildings on the adjacent corners of the intersection as well as those buildings on the specific block should be considered, and the RA District whose front yard setback range most closely aligns with the front yard setback of the existing buildings at the intersection shall be applied.

(5) City Planning Commission Action. For Townhouse Projects located in any zoning district where a townhouse use is not permitted by right (ie.: One-Family or Two-Family District), the City Planning Commission shall review any application subject to conditional approval and shall determine whether the proposal meets all applicable standards established in division (e), Site Planning & Design, hereof to ensure proper design and compatibility with surrounding uses. The Commission shall take action on the application at a public meeting, subsequent to providing public notice. The Commission may require modifications to the proposal as a condition of approval. The Commission may disapprove an application if it determines that the proposed site plan and application does not meet the standards set forth in this Chapter. No Building Permit shall be issued without the approval of the City Planning Commission for an application subject to conditional approval.

~~(2) — Townhouses in Single or Two (2) Family Districts. In any zoning district where a townhouse use is not permitted by right (ex. Single Family, Two (2) Family), the City Planning Commission shall determine, based on the application of division (e) of this section, if a townhouse use shall be permitted.~~

Section 2. That existing Section 337.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 582-18, passed July 18, 2018, is repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

MC:nl
7-12-2023
FOR: Director Huang

