

Cleveland's Form Based Code 'The Land Code' Status Update



Cleveland City Council

December 5, 2022

FBC Project Update



REVIEWS

- 12 Internal Reviews
- 4 Interdepartmental Reviews
- 16 External Reviews
- Lots of Feedback
- Consolidated Comments



CONTRACT EXTENDED

- Remaining Contract Extended
- Consultant assists with Adoption at Council
- One on One with Code Studio
- Corrections/Reorganization In House



NEXT STEPS

- Formal Law Review
- Revisit pilot neighborhoods' residents, stakeholders, CDC's, & educate new Council
- Add Draft to Website for Public Hearing Draft/Comments
- Legislative Process (Formal CPC Hearing + 3 Council Readings)

Adoption – Q1/Q2

Goals of The Land Code (FBC Pilot)



PRODUCE BETTER OUTCOMES

- ❑ The new form-based code will better reflect resident's vision for change and growth in their neighborhood.
- ❑ Rather than the one size fits all zoning code Cleveland has today, the new form-based code will be based on a neighborhood plan developed through a community process.
- ❑ By codifying the plan into a form-based code there can be greater clarity and predictability about what will be built and what uses will be permitted.



DELIVER A SIMPLE, EASY TO READ CODE

- ❑ Getting a Building Permit in Cleveland can take longer than in some of our peer cities in the region and across the state.
- ❑ In many instances today's zoning code is out of sync with modern development typologies resulting in denied permits and trips to the Board of Zoning Appeals.
- ❑ A new, modern form-based code will seek to reduce the time a project spends in zoning review by codifying the neighborhood plans into the zoning and allowing building types prescribed in the plan by-right.

Goals of The Land Code (FBC Pilot)



REDUCE APPROVAL TIME

- ❑ Cleveland's current zoning code was first adopted in 1929 and was written by the City's 'zoning engineers'. Over the decades it has been amended and revised, resulting in a disjointed and cumbersome zoning code that does not reflect the vision of Cleveland in the 21st century.
- ❑ A new form-based code that is clear, concise and rationally organized will give residents, developers and other stakeholders greater clarity about what can happen in their neighborhood and on any individual property.
- ❑ The new form-based code will be highly visual with a modern vocabulary and straightforward organizational system.

What is a FORM-BASED CODE?

FORM-BASED CODE
for DETROIT SHOREWAY
& CUDELL
NEIGHBORHOODS
& OPPORTUNITY
CORRIDOR & HOUGH

A **form-based code** is a way to translate the ideals of a plan into regulatory language to create the physical “place” envisioned by the community. Form-based codes address the relationship between:

- *building facades and the public realm*
- *the form and mass of buildings*
- *the scale and types of streets and blocks*

HEIGHT



FORM



SITING



USE



Code Components



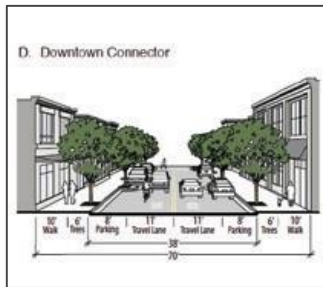
PLACE-SPECIFIC MAP.

A fine-grained zoning map - detailed to the level of individual lots, blocks and streets - a level of detail not found in a conventional zoning code.



ILLUSTRATION OF ZONING DISTRICTS.

A drawing and intent statement that defines and illustrates the main characteristics of each district.



PUBLIC SPACE STANDARDS.

A plan or map of the zoning districts designating the locations where different standards apply.

Building Height	Setback	Maximum Building Footprint	Permitted Building Elements
<ul style="list-style-type: none"> BU 1: 2 stories max BU 2: 3 stories max BU 3: 4 stories max BU 4: 5 stories max 	<ul style="list-style-type: none"> BU 1: 5 feet BU 2: 10 feet BU 3: 15 feet BU 4: 20 feet 	<ul style="list-style-type: none"> BU 1: 20% BU 2: 30% BU 3: 40% BU 4: 50% 	<ul style="list-style-type: none"> BU 1: No BU 2: No BU 3: No BU 4: No

BUILDING FORM STANDARDS.

Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.

Section 7. Administration

7.1. Project Site Review

A. Applicability

1. Project Site Review is applicable to all projects that require a permit under the provisions of the Comprehensive Zoning Ordinance.
2. A project that is exempt from the provisions of the Comprehensive Zoning Ordinance may be subject to Project Site Review if the project is located in a designated Project Site Review area.
3. A project that is exempt from the provisions of the Comprehensive Zoning Ordinance may be subject to Project Site Review if the project is located in a designated Project Site Review area.

B. Authority

1. The Building and Planning Commission is authorized to approve applications for Project Site Review under the provisions of the Comprehensive Zoning Ordinance.
2. The Building and Planning Commission may designate areas of the city as Project Site Review areas by ordinance.
3. The Building and Planning Commission may designate areas of the city as Project Site Review areas by ordinance.

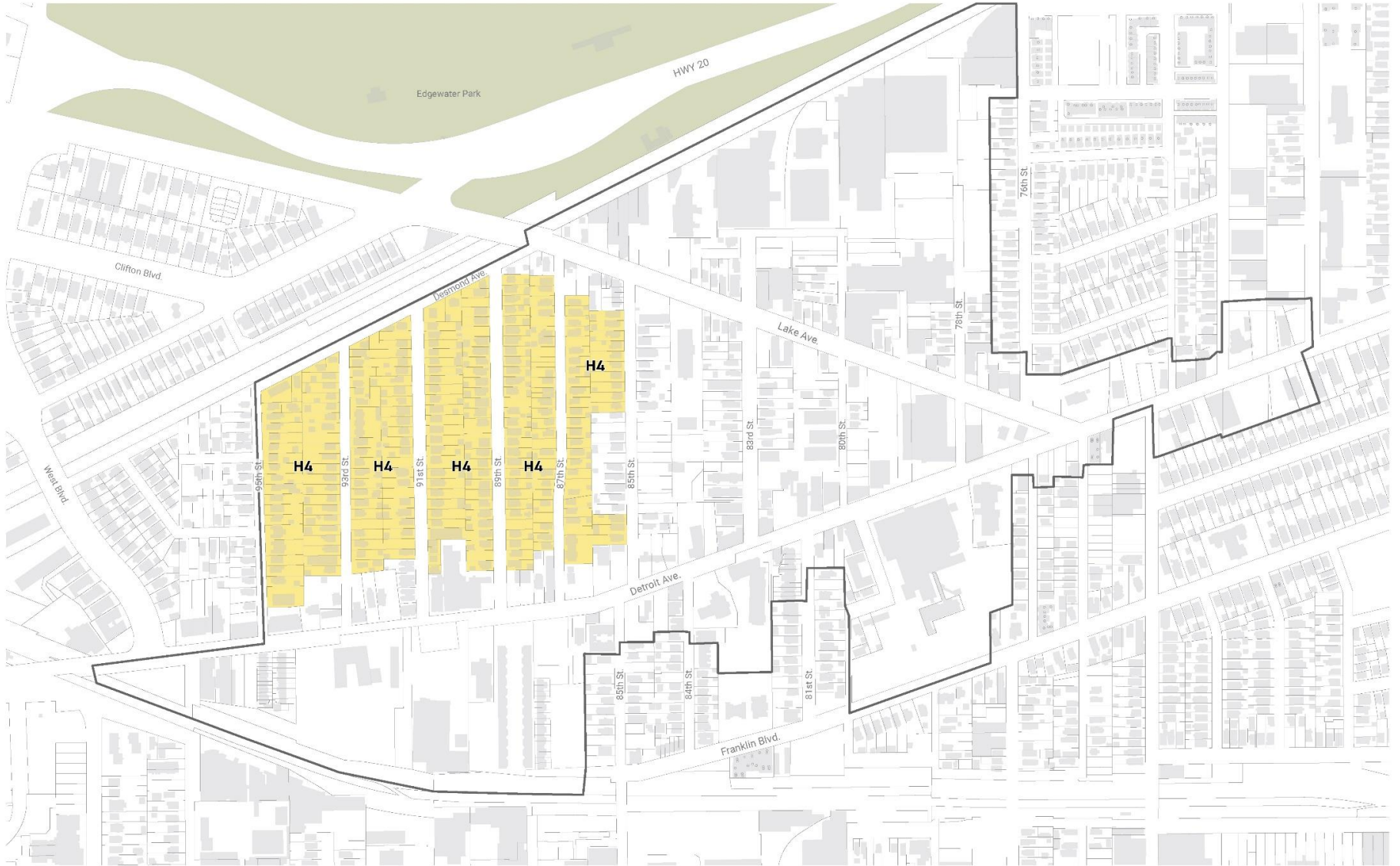
C. Administrative Review

1. The Building and Planning Commission will review the project to determine if the project is consistent with the Comprehensive Zoning Ordinance.
2. The Building and Planning Commission will review the project to determine if the project is consistent with the Comprehensive Zoning Ordinance.

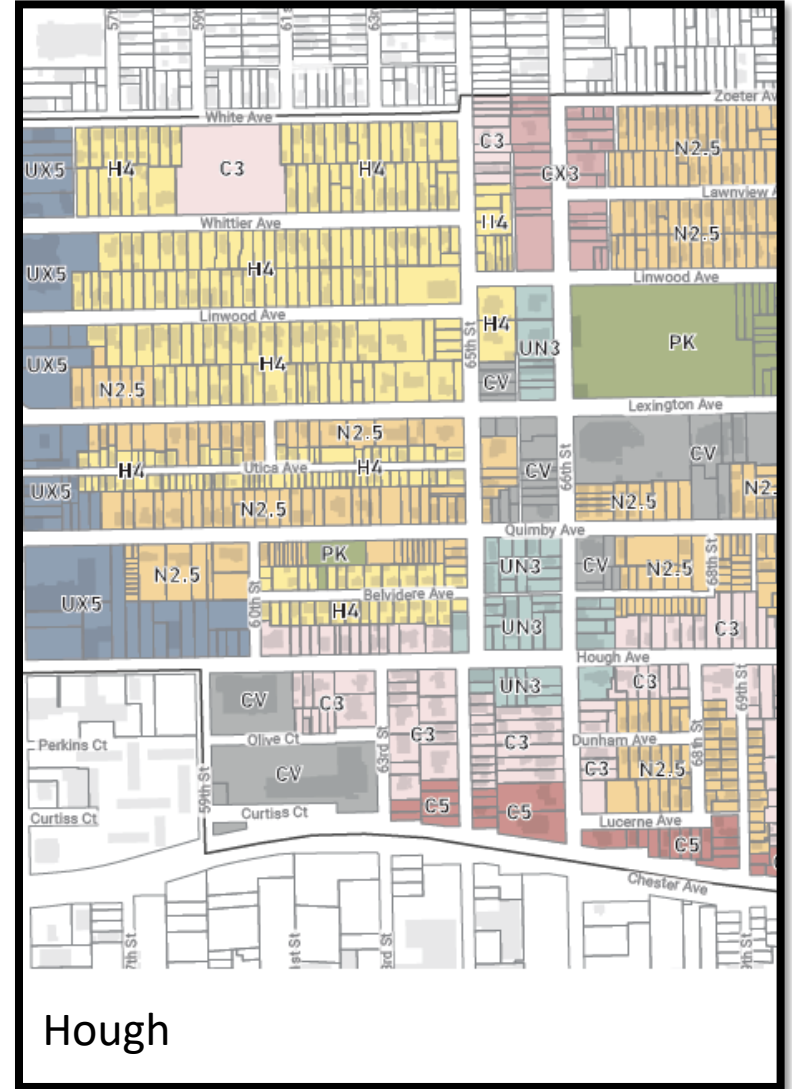
ADMINISTRATION.

A clearly defined application and project review process.

Code Districts



Code Districts



Div. 2.1 Applicability

All activity filed after the effective date of this Code must comply with the standards in this Chapter, as further specified below.

2.1.1 General Applicability

A. Standards apply based on the type of activity proposed, as shown in the table below. For all zoning districts, the standards apply as shown in the table below:

		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance & Repair
Sec. 2.10.2	Site Width	●	○	○	○	○	○	○
Sec. 2.10.3	Dwelling Units per Site	●	○	○	○	●	○	○
Sec. 2.10.4	Amenity	●	●	●	○	●	○	○
Sec. 2.10.5	Walls & Fences	●	●	●	○	●	○	○
Sec. 2.10.6	Streetscape	●	●	●	○	○	○	○
Sec. 2.10.7	Setbacks	●	●	○	○	○	○	○
Sec. 2.10.8	Transitions	●	●	●	○	●	○	○
Sec. 2.10.9	Street Build-Out	●	●	○	○	○	○	○
Sec. 2.10.10	Parking Location	●	●	●	○	○	○	○
Sec. 2.10.11	Massing	●	●	○	○	○	○	○
Sec. 2.10.12	Story Height	●	●	○	○	○	○	○
Sec. 2.10.13	Windows	●	●	○	●	○	○	○
Sec. 2.10.14	Doors	●	●	○	●	○	○	○

● = Standards apply ○ = Standards do not apply

B. The general applicability may be further specified in the applicability provisions for each set of standards in Div. 2.10.

Div. 2.2. House-Scale



2.2.1. Intent

A walkable neighborhood environment intended to accommodate a variety of low-intensity housing options including single-family homes, duplexes, triplexes and fourplexes, supporting and within walking distance of neighborhood-serving retail, food and service uses.

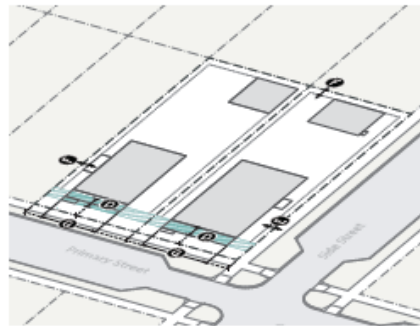
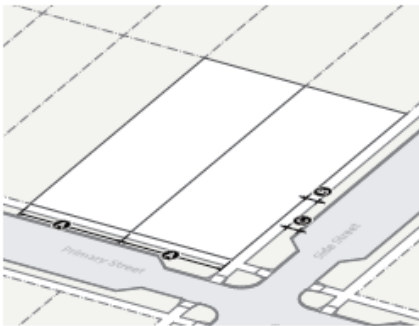
H3	H4
3 dwellings units per site	4 dwellings units per site
20' site width	20' site width
2.5 stories/32' in height	2.5 stories/32' in height
35' building width	35' building width

District Example

2.2.3. H4 HOUSE 4

H4

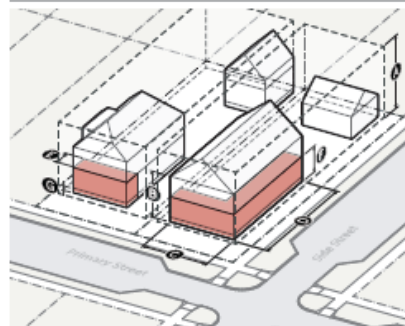
A. SITE



1. Size	Sec. 2.10.2
A Width (min)	
Front access	35'
Side/rear access	20'
2. Dwelling Units	Sec. 2.10.3
Max per site	4
3. Amenity	Sec. 2.10.4
Outdoor amenity space (min)	n/a
4. Walls & Fences	Sec. 2.10.5
Front yard height (max)	Type C2 4'
Side street yard height (max)	
Within 3' of boundary line	Type C2 4'
More than 3' from boundary line	Type C3 6'
Side/rear yard height (max)	Type C5 6'
5. Streetscape	Sec. 2.10.6
B Pedestrian zone (min)	6'
C Furniture zone (min)	6'
Planting strip type	Tree lawn
Trees in planting strip	30' avg. on center

6. Setbacks	Sec. 2.10.7
D Primary street boundary line (min/max)	Established setback range or 10'/20'
E Side street boundary line (min)	3'
F Rear/side boundary line (min)	
Up to 15' in height	1.5'
15' or more in height	3'
Alley boundary line	3' or 20' min
7. Transitions	Sec. 2.10.8
Setback from transition boundary line	n/a
8. Street Build-Out	Sec. 2.10.9
G Primary street (min)	50%
Side street (min)	n/a
9. Parking Location	Sec. 2.10.10
Front yard	Not allowed
Side street yard	Allowed
Side yard	Allowed
Rear yard	Allowed

B. BUILDING



1. Massing	Sec. 2.10.11
Height (max)	
A Stories/feet	2.5/32'
B Top plate	25'
Width (max)	
C Primary street	35'
D Side street	70'
E Active depth (min)	9'
Dwelling units per building (max)	4
2. Story Height	Sec. 2.10.12
F Ground story height (min)	9'
G Ground floor elevation (min/max)	2'/5.5'

	Primary St.	Side St.
3. Windows	Sec. 2.10.13	
H Ground story (min)	35%	30%
I Upper story (min)	15%	15%
J Blank wall width (max)	10'	20'
4. Doors	Sec. 2.10.14	
K Street-facing entry spacing (max)	30'	50'

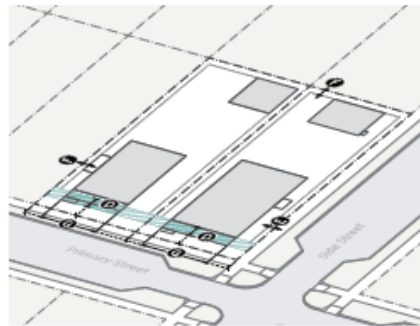
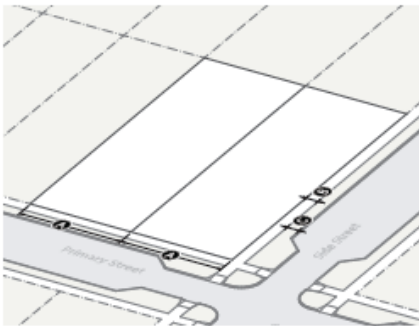
Rules of Interpretation

CHAPTER 2 ZONING DISTRICTS

HOUSE-SCALE

2.2.3. H4 HOUSE 4

A. SITE



1. Size	Sec. 2.10.2
A Width (min)	
Front access	35'
Side/rear access	20'
2. Dwelling Units	Sec. 2.10.3
Max per site	4
3. Amenity	Sec. 2.10.4
Outdoor amenity space (min)	n/a
4. Walls & Fences	Sec. 2.10.5
Front yard height (max)	Type C2 4'
Side street yard height (max)	
Within 3' of boundary line	Type C2 4'
More than 3' from boundary line	Type C3 6'
Side/rear yard height (max)	Type C5 6'
5. Streetscape	Sec. 2.10.6
B Pedestrian zone (min)	6'
C Furniture zone (min)	6'
Planting strip type	Tree lawn
Trees in planting strip	30' avg. on center

6. Setbacks	Sec. 2.10.7
D Primary street boundary line (min/max)	Established setback range of 10'/20'
E Side street boundary line (min)	3'
F Rear/side boundary line (min)	
Up to 15' in height	1.5'
15' or more in height	3'
Alley boundary line	3' or 20' min
7. Transitions	Sec. 2.10.8
Setback from transition boundary line	n/a
8. Street Build-Out	Sec. 2.10.9
G Primary street (min)	50%
Side street (min)	n/a
9. Parking Location	Sec. 2.10.10
Front yard	Not allowed
Side street yard	Allowed
Side yard	Allowed
Rear yard	Allowed

2.10.2. Site Width

The length of primary street boundary lines bounding a site.

A. Intent

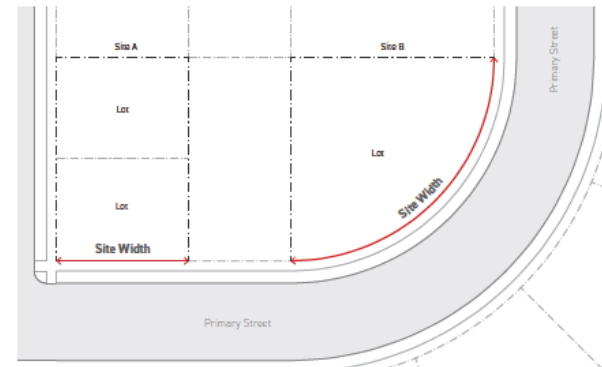
To help ensure new developments are generally consistent with the character of the neighborhood and other properties within the same zoning district and to help ensure safe and adequate vehicular access to and from a site.

B. Applicability

1. The minimum width requirement applies only to sites officially approved and recorded on or after the effective date of this Code.
2. Any use allowed in the zoning district may be established on a site officially approved and recorded before the effective date of this Code, regardless of the width of the site, provided, that all other requirements of this Code are met and in no instance can a site have a width of less than 15 feet.

C. Standards

1. No applicable site can be less than the minimum width required by the zoning district
2. Site width is measured following the geometry of all primary street boundary lines that bound the site.
3. Where a site has 2 or more primary street boundary lines facing different streets, all primary street boundary lines must meet the minimum site width standard.
4. Sites that take vehicular access from a primary street must meet the minimum width requirement for sites with front access.
5. Sites that take vehicular access from either a side street, side, rear or alley boundary line can meet the minimum width requirement for sites with side or rear access.



Use Standards and Guidelines

CHAPTER 2 ZONING DISTRICTS

HOUSE-SCALE

2.2.4. Summary of Allowed Uses

Summary of Use Standards		Add. Stds.
1. Residential		
Household Living	P	
Group Living	C*	Residents: 10 max 3.2.3.B
Social Services	--	
2. Open		
Parks & Open Space	P	
Urban Agriculture	P*	3.2.3.C
3. Public		
Community Service	P*	Building size: 5,000 SF max 3.2.3.D
Day Care	--	
Education	P*	Parcel size: 4 acres max 3.2.3.E
Government	P	
Religious Assembly	P*	Building size: 5,000 SF max 3.2.3.F
Transit Station	--	
4. Commercial		
Adult Entertainment	--	
Animal Care	--	
Auto-Related	--	
Eating & Drinking	--	
Indoor Entertainment	--	
Lodging	P*	Lodging units: 5 max 3.2.3.J
Medical Hospital	--	
Medical Laboratory	--	
Medical Services	--	
Office	--	
Outdoor Recreation	--	
Personal Service	--	
Retail	--	
Self-Storage	--	
Vehicle Sales & Rental	--	
5. Industrial		
Heavy Industrial	--	
Light Industrial	--	
Makerspace	--	
Research & Development	--	
Warehouse & Distribution	--	

Key: P Permitted Use * Use Standard applies C Conditional Use -- Not Permitted

Div. 3.1. General Provisions

3.1.1. Use Categories

- In order to regulate uses more efficiently, categories of uses have been established.
- Use categories provide a systematic basis for assigning land uses to appropriate districts. Use categories classify land uses and activities based on common functional, product, or physical characteristics.
- Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

3.1.2. Principal Uses

Principal uses are grouped into categories of uses. Permitted uses are shown in [Div. 3.2, Allowed Uses](#). The use categories used in the use table are listed in [Div. 3.3, Use Categories](#). The examples of permitted uses listed are not an exhaustive list. The Planning Director is responsible for categorizing uses - see [Sec 3.14](#).

3.1.3. Accessory Uses

Accessory uses are allowed in conjunction with a permitted principal use - see [Div. 3.4, Accessory Uses and Structures](#).

3.1.4. Planning Director Responsibility

- The Planning Director is responsible for categorizing all principal uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Planning Director will place the proposed use under that use category.
- When determining whether a proposed use is similar to a listed use in [Div. 3.3, Use Categories](#), the Planning Director will consider the following criteria:
 - The actual or projected characteristics of the proposed use.
 - The relative amount of site area or floor area and equipment devoted to the proposed use.
 - Relative amounts of sales.
 - The customer type.
 - The relative number of employees.
 - Hours of operation.
 - Building and site arrangement.
 - Types of vehicles used and their parking requirements.
 - The number of vehicle trips generated.

Use Table

3.2.2. Permitted Use Table

	H	N	NX	C	CX	UX	UN	IX	UI	CV	PK	Use Stds
A. Residential												
Household Living	P	P	P	P	P	P	P*	P	--	--	--	3.2.3.A
Group Living	C*	P*	P	P*	P	P	P	P	--	--	--	3.2.3.B
Social Services	--	--	C	--	C	C	C	C	--	C	--	
B. Open												
Parks & Open Space	P	P	P	P	P	P	P	P	P	P	P	
Urban Agriculture	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.3.C
C. Public												
Community Service	P*	P*	P	P*	P	P	P	P	P	P	--	3.2.3.D
Day Care	--	--	P	--	P	P	P	P	P	P	--	
Education	P*	P*	P	P*	P	P	P	P	P	P	--	3.2.3.E
Government	P	P	P	P	P	P	P	P	P	P	--	
Religious Assembly	P*	P*	P	P*	P	P	P	P	P	P	--	3.2.3.F
Transit Station	--	--	--	--	--	P	P	P	P	P	--	
D. Commercial												
Adult Entertainment	--	--	--	--	--	--	--	--	--	--	--	
Animal Care	--	--	--	--	--	P*	P*	P*	--	--	--	3.2.3.G
Auto-Related	--	--	--	--	--	--	--	--	--	--	--	
Eating & Drinking	--	--	P*	--	P*	P	P	P	P*	--	--	3.2.3.H
Indoor Entertainment	--	--	--	--	--	P	P	P	P*	--	--	3.2.3.I
Lodging	P*	P*	P*	P*	P*	P	P	P	P	--	--	3.2.3.J
Medical Hospital	--	--	--	--	--	C	--	C	P	--	--	
Medical Laboratory	--	--	--	--	--	P	--	P	P	--	--	
Medical Services	--	--	P*	--	P*	P	P	P	P	--	--	3.2.3.K
Office	--	--	P*	--	P*	P	P	P	P	--	--	3.2.3.L
Outdoor Recreation	--	--	--	--	--	--	--	--	--	--	--	
Personal Service	--	--	P*	--	P*	P	P	P	P*	--	--	3.2.3.M
Retail	--	--	P*	--	P*	P	P	P	P*	--	--	3.2.3.N
Self-Storage	--	--	--	--	--	--	--	--	--	--	--	
Vehicle Sales & Rental	--	--	--	--	--	P*	P*	P*	--	--	--	3.2.3.O
E. Industrial												
Heavy Industrial	--	--	--	--	--	--	--	--	--	--	--	
Light Industrial	--	--	--	--	--	--	--	P	P	--	--	
Makerspace	--	--	P*	--	P*	P*	P*	P	P	--	--	3.2.3.P
Research & Development	--	--	--	--	--	--	--	P	P	--	--	
Warehouse & Distribution	--	--	--	--	--	--	--	P	P	--	--	

Key: P Permitted Use * Use Standard applies C Conditional Use -- Not Permitted

Div. 3.3. Use Categories

3.3.1. Residential Uses

A. Household Living

1. Definition

A facility providing occupancy of a dwelling unit by a household on a monthly or longer basis.

2. Examples of Included Uses

- One-family dwelling
- Two-family dwelling
- Townhouse/rowhouse
- Multi-family dwelling
- Senior/independent living

B. Group Living

1. Definition

A facility providing residential occupancy on a monthly or longer basis that does not meet that exceeds the definition of household living. Group living facilities have a common eating and cooking areas for residents, and residents may receive care or training.

2. Examples of Included Uses

- Assisted living
- Boarding/rooming house
- Dormitory
- Fraternity/sorority house
- Hospice
- Nursing home

C. Social Services

1. Definition

A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs.

2. Examples of Included Uses

- Adult rehabilitation center

Accessory Uses in H3/H4

Div. 3.4. Accessory Uses and Structures

3.4.1. General Provisions

- A. Unless otherwise expressly stated, accessory uses and structures are permitted in conjunction with allowed principal uses. Accessory uses and structures must be accessory and customarily incidental and subordinate to a permitted principal use.
- B. No accessory uses and structures may be established on a site prior to the establishment of a permitted principal uses.
- C. The Planning Director is authorized to determine when a use or structure meets the definition of accessory. In order to classify a use or structure as accessory, the Planning Director must determine that the use or structure:
 1. Is subordinate to the principal use in terms of area, extent and purpose;
 2. Contributes to the comfort, convenience or necessity of occupants of the principal use served;
 3. Is located on the same site as the principal structure or use, or on a contiguous site in the same ownership;
 4. Does not involve operations not in keeping with the character of the principal use served; and
 5. Is not of a nature likely to attract visitors in larger numbers than would normally be expected for the principal structure or use.

3.4.2. Accessory Structures

All accessory structures must meet all applicable principal structure requirements except:

- A. Accessory structures cannot encroach into a front yard.
- B. Accessory structures can encroach into a side street yard provided:
 1. They are screened by a wall or fence a minimum height of 6 feet;
 2. The wall or fence is at least 90% opaque; and
 3. They do not in total occupy more than 50% of the area of any side street yard.

3.4.3. Accessory Uses

A. Family Day Care Home

A family day care home is intended to promote and allow for child care services within a residential dwelling. A family day care home is permitted in all districts provided the following standards are met.

1. A maximum of 1 family day care home is allowed per dwelling unit.
2. At least 1 person engaged in the family day care home must reside in the dwelling unit in which the family day care home is located as their primary place of residence.

3. In a House (H) or Neighborhood (N) district, family day care homes are limited to caring for up to 6 children at any given time and must meet the standards for a Type B family day care home in *Ohio Revised Code, Chapter 5104*.
4. In a Community (C) district - by-right, family day care homes are limited to caring for up to 6 children at any given time and must meet the standards for a Type B family day care home in *Ohio Revised Code, Chapter 5104*. Up to 12 children may be permitted through the conditional use process (see *Sec. XX*).
5. Business signage is limited to one unlit wall or projecting sign no larger than 6 square feet in area, attached to the structure housing the family day care home.
6. Day cares in remaining districts are allowed as a principal use - see *Div. 3.2, Allowed Uses*.

B. Home-Based Business

A home-based business is intended to permit limited nonresidential activity in a residential dwelling, provided such activity does not impact or detract from the residential character of the neighborhood or building. A home-based business is permitted in all districts provided the following standards are met.

1. General

- a. A maximum of 1 home-based business is allowed per dwelling unit.
- b. At least 1 person engaged in the home-based business must reside in the dwelling unit in which the home-based business is located as their primary place of residence.
- c. No more than 1 vehicle used in association with the home-based business may be parked on-site at any one time.

2. Exterior Appearance

- a. All activities associated with the home-based business must be conducted in a completely enclosed structure, excluding activities or services that, by their nature, must be conducted off site (such as house painting, landscape maintenance or chauffeuring services).
- b. The home-based business must operate so as not to create or cause a nuisance or subject neighbors to adverse operational or land use impacts (such as excessive noise or traffic or public safety hazards) that are not typical of the neighborhood.
- c. The dwelling unit and site must remain residential in appearance and characteristics. External changes that make the dwelling appear less residential in nature or function are not allowed.
- d. Interior display of goods or equipment associated with the home-based business must not be viable from the street.
- e. No equipment or process can be used in connection with the home-based business that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.
- f. Business signage is limited to one unlit wall or projecting sign no larger than 6 square feet in area, attached to the structure housing the home-based business.

Development Standards

Div. 4.1. Applicability

All activity filed after the effective date of this Code must comply with the standards in this Chapter, as further specified below.

4.1.1. General Applicability

- A. Standards apply based on the type of activity proposed, as shown in the table below. For all zoning districts, the development standards apply as shown in the table below:

		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance & Repair
Sec. 4.2.1	Access	●	○	○	○	○	○	○
Sec. 4.2.2	Parking	●	○	○	○	○	○	○
Sec. 4.2.3	Bicycle Parking	●	●	●	○	●	●	○
Sec. 4.3.1	Parking Lot Landscaping	●	○	●	○	○	○	○
Sec. 4.3.2	Screening	●	○	○	○	●	○	○
Sec. 4.3.3	Walls & Fences	●	●	●	○	●	○	○
Sec. 4.3.4	Plants & Plant Material	●	●	●	○	●	○	○
Sec. 4.4.1	Outdoor Site Lighting	●	○	○	○	○	○	○

● = Standards apply ○ = Standards do not apply

- B. The general applicability may be further specified in the applicability provisions for each set of development standards in Div. 4.2, 4.3 and 4.4.

How to Use

House 4 District

FBC Project Update



REVIEWS

- 12 Internal Reviews
- 4 Interdepartmental Reviews
- 16 External Reviews
- Lots of Feedback
- Consolidated Comments



CONTRACT EXTENDED

- Remaining Contract Extended
- Consultant assists with Adoption at Council
- One on One with Code Studio
- Corrections/Reorganization In House



NEXT STEPS

- Formal Law Review
- Revisit pilot neighborhoods' residents, stakeholders, CDC's, & educate new Council
- Add Draft to Website for Public Hearing Draft/Comments
- Legislative Process (Formal CPC Hearing + 3 Council Readings)

Adoption – Q1/Q2



www.thelandcode.com

www.Planning.clevelandohio.gov/fbc

Microsoft Teams Channel - Spreadsheet