Part 11: PLANNING AND ZONING CODE

Title 1: ZONING ADMINISTRATION

CHAPTER 1105: ENFORCEMENT, PERMITS AND PENALTY

Section

1105.01 Enforcement
1105.02 Conditional Use Permits
1105.03 Fee
1105.99 Penalty

Cross-reference:

Conditional uses listed, see § 1123.03

Referral; Planning Commission action on conditional use permits, see §§ 1106.02, 1123.01, 1123.04

Violation of zoning ordinances, see Ohio R.C. 713.13

§ 1105.01 ENFORCEMENT.

This zoning ordinance shall be enforced by the Building Official or designee, and wherever the term Building Official is used herein, it includes the Building Official designee.

§ 1105.02 CONDITIONAL USE PERMITS.

(a) A permit for a conditional use in any district may be granted upon favorable action by the Planning Commission and City Council in the manner hereinafter prescribed in Chapter 1106. Applications for conditional use permits shall be submitted to the Planning Commission in writing. Such permit for a particular use in a specific location shall be granted only in such cases and upon such conditions and restrictions as will assure that such use is in harmony with the general intent of the zoning ordinance and will secure the general welfare and substantial justice in the promotion of the public health, comfort, convenience, safety and general welfare of the city. Unless the premises are utilized for the conditional use granted, or all the structures or improvements contemplated in the conditional use permit are substantially completed within a period of one year from the date of the granting of the conditional use, such conditional use permit shall expire and become void.

(b) The Building Official, upon written request, may for good cause shown and without any notice or hearing, grant an extension of any time limit imposed on an applicant or permittee by this Zoning Code or, unless the ordinance or resolution shall expressly provide otherwise, by any ordinance or resolution of any body acting pursuant to this Zoning Code. The total period of time granted by such extension shall not exceed the length of the original time period, and requests for any further extension may only be granted by the applicable hearing body.

§ 1105.03 FEE.

The Planning Commission shall establish a reasonable schedule of fees for conditional use permits. Applications to the Planning Commission for a conditional use permit shall be accompanied by the required non-refundable fee.

§ 1105.99 PENALTY.

(a) Any person, or agent or officer of a corporation, who violates any of the provisions of this zoning ordinance shall for each offense be fined not more than $1,000 or imprisoned not more than 90 days, or both.

(b) Each day such violation occurs or continues shall constitute a separate offense.

CHAPTER 1106: PLANNING COMMISSION

Section

1106.01 Intent
1106.02 Planning Commission

Cross-reference:

Composition and duties, see CHTR. 85-A

Referral; Planning Commission action on conditional use permits, see §§ 1106.02, 1123.01, 1123.04

Council proposed amendments referred to Commission, see § 1109.01

Conditional uses listed, see § 1123.03

Fences, walls and hedges, see § 1125.06

Rooming and boarding houses, see § 1125.09

Shared housing facilities, see § 1125.10

Power to regulate awnings, marquees, signs, see § 1137.04(d)

Violation of zoning ordinances, see Ohio R.C. 713.13

§ 1106.01 INTENT.

(c) This Chapter sets forth the powers and duties of the Planning Commission as provided for in §85-A of the Charter of the City of East Cleveland.

§ 1106.02 PLANNING COMMISSION.

(a) Establishment. The establishment and appointment of the Planning Commission shall be as provided for in the Charter of the City of East Cleveland.

(b) Organization and Proceedings. In addition to any regulations or requirements provided in the Charter of East Cleveland, the Planning Commission shall be subject to the following regulations:

(1) Members. The Planning Commission shall consist of five (5) members:

A. One (1) member shall be the Mayor;

B. Two (2) members of the Mayor's staff, appointed by the Mayor with approval of City Council;

C. Two (2) citizen members (non-city employees) appointed by the City Council.

(2) Term. The term of the citizen appointed members shall be for two (2) years except as to the first appointments in which one (1) of the citizen appointees be appointed for a term of one (1) year only.

(3) Appointment of Members. The Clerk of Council shall notify all City Council members at least sixty (60) calendar days before that term of the Planning Commission member is about to expire. The Clerk of Council shall also advertise this notice in a newspaper of general circulation in the City of East Cleveland and shall cause this notice to be posted in the same manner as the posting of legislation. The notice shall indicate that all candidates interested in appointment to the position must submit their application to the Council Clerk no later than forty-five (45)

calendar days before the current term expires. City Council shall review all applications, schedule interviews as necessary and make the appointment within this forty-five (45) calendar day time period.

(4) Vacancy. Vacancies of the Planning Commission by citizen appointees shall be filled by City Council by appointment for the unexpired terms. The Mayor shall have the power to remove and replace staff appointees with the approval of the Council.

(5) Quorum. A quorum shall consist of at least a majority of Commission members. Any action taken by the Commission shall require the affirmative vote of at least three (3) members.

(6) Roles. The Mayor shall act as Chair, and the City Engineer shall act as Secretary.

(7) Rules. The Planning Commission may adopt rules and regulations as may be necessary to put into effect the powers and jurisdiction conferred herein or as conferred by the Charter of the City of East Cleveland.

(8) Meetings. The Planning Commission shall establish a schedule of regular meetings, procedures for the calling of and giving notice of special meetings to hear and decide on zoning applications, or other applications identified in this Code. All meetings of the Planning Commission shall be open to the public.

A. Robert's Rules of Order shall guide the conduct of the meetings.

(9) Records. The Planning Commission shall keep a record of its proceedings and decisions.

(c) Powers and Duties. For the purposes of this Code, the Planning Commission shall have the following powers and duties in addition to those conferred by the Charter of East Cleveland:

(1) To review and make plans and maps of any portion of the city;

(2) As the platting commission, to review land development applications regarding subdivision regulations and approve or disapprove plats and submit its recommendations to City Council;

(3) To make recommendations to City Council regarding location, character, and extent of a comprehensive plan for the progress and proper development of the City;

(4) To recommend the preservation of historical landmarks and works of art, the removal, relocation, and alterations of such works belonging to the City and the design of any bridges, viaducts, street fixtures or public structures or appurtenances;

(5) To review and recommend conditional use approval when the Planning Commission determines that the proposed conditional use complies with all substantive provisions and is consistent with the general objectives of the Zoning Code;

A. Application for a conditional use permit shall be referred to City Council with a recommendation of the Planning Commission as to the action to be taken.

B. Recommendations to the Planning Commission on conditional use permits shall be acted upon by City Council only after public notice and hearing as specified in this zoning ordinance.

(6) To review permanent signs pursuant to the provision of this Zoning Code and submit recommendations to Architectural Board of Review;

(7) To consider or review proposed amendments to the Zoning Code and Map, and submit its recommendations to City Council in respect to such proposals;

(8) To adopt rules or bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its power.

(9) To establish a reasonable schedule of fees for all approvals, permits, licenses, certificates, inspections, and any other applications to the Planning Commission.

CHAPTER 1107: BOARD OF ZONING APPEALS

Section

1107.01 Intent
1107.02 Board of Zoning Appeals

Cross-reference:

Appeals from zoning decisions, See Ohio R.C. 713.11
Appeals relative to day care facilities, see §§ 717.12 et seq.
Board of Building Code Appeals, see Ch. 1311
Composition and duties, see CHTR. 85-B
Modification for repair or alteration of nonconforming use, see § 1139.03
Public meetings, see Ch. 103
Variances of height limitations, see § 1133.03
Violation of zoning ordinances, see Ohio R.C. 713.13

§ 1107.01 INTENT.

(a) This Chapter sets forth the powers and duties of the Board of Zoning Appeals as provided for in §85-B of the Charter of the City of East Cleveland.

§ 1107.02 BOARD OF ZONING APPEALS.

(a) Establishment. The establishment and composition of the Board of Zoning Appeals shall be as provided for in the Charter of the City of East Cleveland.

(b) Organization and Proceedings. In addition to any regulations or requirements provided in the Charter of East Cleveland, the Board of Zoning Appeals shall be subject to the following regulations:

(1) Members. The Board of Zoning Appeals shall consist of five (5) members:

A. The Mayor;

B. The Director of Health;

C. The Chief of the Police Department;

D. The Chief of the Fire Department; and

E. A member of the Mayor's staff, other than the City Engineer.

(2) Term. Board of Zoning Appeals members shall serve until their successors are appointed and qualified. The member of the Mayor's staff, appointed by the Mayor, shall serve at the pleasure of the Mayor with the approval of the City Council.

(3) Quorum. A quorum shall consist of at least three (3) Board of Zoning Appeals members. Any action taken by the Board of Zoning Appeals shall require the affirmative vote of at least three (3) members.

(4) Roles. The Mayor shall act as Chair, and the City Engineer shall act as Secretary.

(5) Rules. The Board of Zoning Appeals shall adopt rules necessary to conduct its powers and duties with the provisions of the Zoning Code and of the Charter, and in accordance with hearing proceedings provided by law.

A. Copies of such rules shall at all times be available from the Building Official for distribution.

(6) Meetings. Meetings of the Board of Zoning Appeals shall be held at least once a month and at such other times as the Board of Zoning Appeals may determine or upon call of the chair. All meetings of the Board of Zoning Appeals shall be public. Public notice shall be given of hearings on any appeals from the decisions of department heads by the posting of a notice on the bulletin board in the main entrance of the City Hall for a period of at least three (3) days, together with such additional notice, if any, that the Board of Zoning Appeals shall deem necessary.

A. Robert's Rules of Order shall guide the conduct of the meetings.

(7) Records. The Board of Zoning Appeals shall keep minutes and a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions by the secretary of the Board of Zoning Appeals.

(c) Powers and Duties. For the purposes of this Code, the Board of Zoning Appeals shall have the following powers and duties in addition to those conferred by the Charter of the East Cleveland:

(1) To hear and decide appeals, where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Building Official;

(2) To hear and decide all matters properly presented where practical difficulties and unnecessary hardships shall result from the strict compliance with or the enforcement of the provisions of the districting or zoning ordinance;

(3) To grant variances in accordance with the general intent of the ordinance, and secure the general welfare and substantial justice in the promotion of the public health, comfort, convenience, safety, and general welfare of the City of East Cleveland;

(4) To approve, amend, modify or reverse any decision made by the Building Official or designee;

(5) To establish a reasonable schedule of fees for any variance from the provisions of the zoning ordinance.

(d) Appeals to Board of Zoning Appeals and City Council.

(1) Any person adversely affected by a decision of the Building Official or designee made in the enforcement of this zoning ordinance shall have the right to appeal to the Board of Zoning Appeals from such decision within thirty (30) days from the date notice of such decision was given or mailed to him or her, and to appear before the Board at a time and place fixed by the Board. Such appeal must be in writing. Failure to file a written appeal with the Board within the time prescribed shall constitute a waiver of the right of appeal.

(2) Any person adversely affected by a decision of the Board of Zoning Appeals shall also have the right to appeal to Council from such decision within ten days from the date notice of such decision was given or mailed to the appellant, and to appear before Council at a time and place fixed by the Council. Such appeal must be in writing. Failure to file a written appeal with Council within the time prescribed shall constitute a waiver of the right of appeal. Council shall have the power to approve, amend, modify or reverse any decision of the Board of Zoning Appeals.

(e) Time Restriction on Appeals.

(1) A person or his or her successor in title shall have the right to appeal to or file a request with the Board of Zoning Appeals or Council no more than once in any six-month period concerning substantially the same premises and the same subject matter. Similarly, the Board of Zoning Appeals or Council shall be required to hear no more than one appeal or request within any six-month period concerning substantially the same premises and the same subject matter.

Part 13: BUILDING CODE

Title 3: LOCAL PROVISION

CHAPTER 1333: ARCHITECTURAL BOARD OF REVIEW

Section

1333.01 Intent
1333.02 Architectural Board of Review

§ 1333.01 INTENT.

(a) This Chapter sets forth the powers and duties of the Architectural Board of Review with respect to the administration of the Zoning Code of the City of East Cleveland.

§ 1333.02 ARCHITECTURAL BOARD OF REVIEW.

(a) Establishment. The establishment and composition of the Architectural Board of Review shall be as provided for below.

(b) Organization and Proceedings. In addition to any regulations or requirements provided in the Charter of East Cleveland, the Architectural Board of Review shall be subject to the following regulations:

(1) Members. The Architectural Board of Review shall consist of at least three (3) members and two (2) alternate members to be appointed by the Mayor and confirmed by City Council.

(2) Term. The term for Architectural Board of Review initial members shall be as follows:

A. Three (3) members shall be appointed for a term of three (3) years, or until a successor is appointed, with alternate and successive annual expiration dates of December 31.

B. Two (2) alternative members shall be appointed for a term of three (3) years, or until a successor is appointed, with varying expiration dates.

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

A. In case of the absence or disqualification of any member for any reason, the Board Secretary shall request the attendance of an alternate member to serve in the place of the absent or disqualified member so that three (3) members or alternate members are present at every meeting whenever possible.

(4) Qualifications.

A. Each member of the Architectural Board of Review shall be an architect duly registered and authorized to practice architecture under the laws of the state;

B. Shall have been actively engaged in the general practice of architecture as a registered architect in the state for a period of not less than five (5) years prior to appointment to the Architectural Board of Review;

(5) Conflict of Interest. No member of the Architectural Board of Review shall participate in the review of any work of which they or any partner or professional associate is the author or in

which they have any direct or indirect financial interest. If such an occasion arises, the other members of the Architectural Board of Review should proceed to determine the particular matter. In the event that such other two (2) members fail to agree, then a temporary member shall be appointed by the Mayor to serve in that particular case. Such temporary members shall have all the qualifications required by §1333.02(b) and shall receive such compensation as may be fixed by Council when confirming the appointment.

(6) Quorum. Two (2) or more members shall constitute a quorum, and official action of the Architectural Board of Review shall require the affirmative vote of two (2) or more members.

(7) Roles. The Architectural Board of Review shall elect among its members:

A. One (1) member of the Architectural Board of Review shall be elected Chairperson and shall be responsible for the proper administration of its duties.

B. One (1) member of the Architectural Board of Review shall act as Secretary and shall keep or cause to be kept in City Hall a complete record of all meetings of the Board and of all transactions handled by the Board.

C. The Secretary of the City Planning Commission and Zoning Board of Appeals shall act as Executive Secretary for the Secretary of the Architectural Board of Review.

(8) Rules. The Architectural Board of Review shall adopt rules and regulations governing its procedures, in accordance with the ordinance of the City, and the laws of the State.

(9) Meetings. All meetings shall be held at City Hall. At least one (1) meeting in April of each year shall be for the purpose of preparing and filing with the Mayor and Council, on or before May 1 of each year, a complete report of the business handled by the Architectural Board of Review during the preceding year.

A. Robert's Rules of Order shall guide the conduct of the meetings.

(10) Records. The Architectural Board of Review shall keep a record of its proceedings and decisions and become public record.

(c) Powers and Duties. For the purposes of this Zoning Code, the Architectural Board of Review shall have the following power and duties:

(1) To regulate, according to proper architectural principles, the design, use of materials, finished grade lines and orientation of all new buildings hereafter erected, and the moving, alteration, improvement, repair, adding to or razing in whole or in part of all existing buildings, subject to the provisions of the zoning ordinance and Building Code of the city in order to protect and maintain the high character of community development;

(2) To recommend to City Council design guidelines that the Architectural Board of Review deems necessary and proper for the City;

(3) To review, regulate, and approve building plans, and consider the development of adjacent, contiguous, and neighboring buildings and properties for the purpose of achieving safe, harmonious, and integrated development of related properties, and all construction by the City;

(4) To disapprove plans and any specifications upon which a permit application has been filed;

A. The Building Official shall refuse to issue the permit, and shall immediately notify the applicant of such refusal and the reason therefor.

(5) To receive and promptly review and pass upon all drawings, data, reports and complaints in the order filed, to the extent practicable, under published rules and regulations consistent with the purpose of this Board and adopted by it, and immediately notify the Building Official in writing of action taken in each instance and no building permit shall be issued unless plans and specifications therefor have been approved in writing by the Architectural Board of Review.

(6) To establish a reasonable schedule of fees for all approvals, permits, licenses, certificates, inspections, and any other applications to the Architectural Board of Review.

(d) Appeals.

(1) The applicant for a permit may appeal to the Board of Zoning Appeals for refusal of the Building Official, based upon an Architectural Board of Review report disapproving plans and specifications, by giving notice of such appeal not more than ten days after the notice of such refusal. Thereafter, the Board of Zoning Appeals shall decide the appeal according to procedures in Chapter 1107.