



## City of Cleveland

### Zoning Code Update

Effective Date: February 11, 2009

## Chapter 341: Design Review

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#### 341.01 Purpose

Design Review requirements and districts are established to ensure appropriate design of buildings and properties in furtherance of the following objectives:

- (a) to protect property values and to preserve and enhance the character of existing neighborhoods and development,
- (b) to promote economic activity and increase municipal revenues,
- (c) to enhance the visual image of Cleveland and its neighborhoods and downtown,
- (d) to preserve the community's architectural assets, and
- (e) to protect the environment and facilitate healthy living.

#### 341.02 Applicability

No Building Permit shall be issued by the City without design approval by the City Planning Commission, or its Director, for development projects that meet the following criteria for applicability, except that such approval shall not apply to structures that are designated as Landmarks or are located in Landmark Districts, for which design approval shall be the responsibility of the Landmarks Commission.

- (a) **Design Review Districts.** New construction of and applicable exterior alterations to buildings and

structures located in designated Design Review Districts.

- (b) New Residential Development.** New construction of residential buildings, including any new building for which residential use and associated accessory garage parking occupy at least fifty percent (50%) of the building.
- (c) New Retail, Office and Institutional Development.** New construction of buildings for “retail business, office and institutional uses,” as defined in this Chapter, including any new building for which such uses and associated accessory garage parking occupy at least fifty percent (50%) of the building.
- (d) Public Properties.** New construction of and applicable exterior alterations to buildings and structures owned by local, county, state or federal government or by any other governmental agency, including regulated public utilities.
- (e) Planned Unit Development (PUD) Districts.** New construction of buildings and structures located in designated Planned Unit Development (PUD) Districts.

### **341.03 Definitions**

For the purposes of this Chapter, the following terms shall have the meaning given in the succeeding sections.

- (a) Retail Business, Office and Institutional Uses.** Any non-residential use permitted in a General Retail Business District.
- (b) Applicable Exterior Alterations.** Alterations to the exterior of a building or structure that result in a change in appearance that is visible from public streets or adjoining properties, including demolition, but excluding repair or replacement of worn or damaged materials with materials of the same design and color.
- (c) Director.** The Director of a specified City Department or his or her designee.

### **341.04 Design Review Districts**

Design Review Districts shall be established in accordance with the following provisions.

- (a) Designation Criteria.** A geographic area designated as a Design Review District shall be at least three (3) acres in size and shall be characterized by development or development opportunity for which improved design can be expected to significantly contribute to achieving one or more of the objectives of this Chapter. The district may be composed of one or more noncontiguous geographic areas, each of which must be at least three (3) acres in size.
- (b) Designation Process.** Design Review Districts shall be designated and amended in accordance with the procedures for amending the Zoning Map as set forth in Chapter 333 of the Zoning Code.
- (c) Mapping and Applicability.** Design Review Districts shall be shown on the Zoning Map of the City of Cleveland as "overlay districts" to be applied in conjunction with the "underlying" zoning district. Provisions of the underlying district shall remain in effect except where inconsistent with the provisions of the Design Review District.
- (d) District Name.** The City Planning Commission shall assign each Design Review District a name reflective of the neighborhood or other geographic area in which the District is located.
- (e) Previously Designated Districts.** All Public Land Protective Districts, Business Revitalization Districts, and the University Circle Design District, to the extent that such districts existed on the effective date of this ordinance, shall become Design Review Districts subject to the regulations of this Chapter on the effective date of this ordinance. Those districts shall be shown on the City's Zoning Map as "Design Review Districts" on the effective date of this ordinance.

### **341.05 Administrative Procedures**

The following procedures are established to govern the processing of applications for Building Permits subject to the regulations of this Chapter.

- (a) Contents of Application.** In addition to meeting application requirements established in the Building Code and Zoning Code for Building Permit applications, applications governed by the provisions of this Chapter shall include the following elements.
  - (1)** Color photographs showing the subject property in the context of adjoining properties within 250 lineal feet on either side of the subject property.
  - (2)** Architectural drawings including elevation drawings and site plans for the construction or exterior alterations proposed, indicating design materials, colors, illumination, sign placement, and landscaping.
  - (3)** In the case of a proposed demolition, a plan showing the proposed re-use of the property, including both interim and long-term re-use plans, if appropriate.
  - (4)** Information indicating project elements that contribute to an environmentally sustainable development.

(5) Other materials listed in guides that may be prepared by the staff of the City Planning Commission and provided to applicants.

**(b) Determination of Applicability and Transmittal to City Planning Director.** Upon receipt of an application for a Building Permit, the Director of Building and Housing shall use the standards of Section 341.02 to determine whether the proposed action is governed by the provisions of this Chapter. If it is determined that the action is governed by such provisions, the Director of Building and Housing shall promptly transmit the application to the Director of the City Planning Commission.

**(c) Transmittal to Local Design Review Advisory Committee.** Upon receipt of a complete application, the City Planning Director shall promptly transmit the application for review and recommendation by the Local Design Review Advisory Committee, as established in Section 341.06. Other required City reviews may be conducted concurrently, as appropriate. In the case of an application for an action that the City Planning Director deems to have no significant impact on the design or appearance of the property, the Director may approve the application administratively without referral to the Local Design Review Advisory Committee.

**(d) Standards for Review.** An application received pursuant to the provisions of this Chapter shall be reviewed in accordance with the design guidelines of Section 341.07 and any supplemental guidelines adopted by the City Planning Commission for a particular district.

**(e) Local Design Review Committee Meeting and Action.**

**(1) Meeting.** The City Planning Director shall inform the applicant of the time and location of the Local Design Review Advisory Committee meeting at which the application will be considered. That consideration shall take place at the next regularly scheduled meeting of the Committee occurring at least five (5) days after acceptance of a complete application by the City Planning Director.

**(2) Action.** The Local Design Review Advisory Committee shall recommend either approval, approval with modifications or conditions, or disapproval of the application. The Committee may choose to postpone action in order to permit the applicant to prepare revisions if the applicant agrees to such postponement. If the applicant does not agree to a postponement, the Committee shall take action on the application at the meeting. The Committee shall provide a written record of its recommendation to the City Planning Commission.

**(f) City Planning Commission Meeting and Action.** After action by the Local Design Review Advisory Committee, or a failure to act at a meeting in accordance with the requirements of this Section, the City Planning Director shall inform the applicant of the time and location of the City Planning Commission meeting at which the application will be considered. The City Planning Commission shall either approve or disapprove the application or approve the application with modifications or conditions. The Commission may choose to postpone action in order to permit

the applicant to prepare revisions if the applicant agrees to such postponement. The Commission shall take action no later than forty-five (45) days after acceptance of a complete application by the City Planning Director unless the applicant has agreed to one or more postponements, including agreed postponements in the Local Design Review Committee process.

**(g) Administrative Approval.** Pursuant to the "Rules of the City Planning Commission" regarding administrative approvals, the City Planning Director is authorized to act on behalf of the Commission in approving applications recommended for approval by the Local Design Review Advisory Committee and for applications that meet the standard stated in division (c) of this Section. Use of the administrative approval procedure is not authorized in the case of applications for demolition or moving of buildings, other than for buildings that are deemed to be minor accessory structures. Generally, applications for development of new commercial or institutional buildings and for residential developments involving six (6) or more units shall not be approved without referral to the Local Design Review Advisory Committee and the City Planning Commission.

**(h) Exemptions.** No referral to the City Planning Commission or a Local Design Review Advisory Committee shall be required for projects approved under the City's Storefront Renovation Program. Such projects may be approved by the action of the City Planning Director subsequent to approval under the Storefront Renovation Program.

### **341.06 Local Design Review Committees**

The City Planning Commission shall establish Local Design Review Advisory Committees to advise the Commission on applications received pursuant to the regulations of this Chapter. The following provisions shall govern the establishment and operation of each such committee.

**(a) Appointment of Members.** The City Planning Commission shall appoint the members of each Local Design Review Advisory Committee. In making these appointments, the City Planning Commission shall solicit nominations from Community Development Corporations operating within each committee's geographic area of jurisdiction and the Council members representing each such area. Each Advisory Committee shall be composed of not less than five (5) and not more than eleven (11) members, except that the City Planning Commission may increase membership on a particular committee if necessary to incorporate relevant perspectives and areas of expertise. A maximum of three (3) alternate members may be appointed to each committee. The alternate members may vote in place of members not in attendance at a particular meeting, as determined by the Committee's chairperson.

**(b) Committee Composition.** A majority of the members appointed to each Advisory Committee shall be architects or other recognized design professionals, with the remaining members

representing businesses or other organizations with operations in the local area or being residents of the local area. The term "recognized design professionals" shall refer to individuals with documented expertise in such fields as architecture, landscape architecture, urban design, graphic design, or historic preservation.

- (c) Committee Jurisdiction and Name.** Each Local Design Review Advisory Committee shall review applications received pursuant to this Chapter for properties located within the boundaries of its area of jurisdiction, as established by the City Planning Commission. All areas of the City shall be included in the jurisdiction of an Advisory Committee. The City Planning Director shall assign each Local Design Review Advisory Committee a name identified with the area of the City served by the Committee.
- (d) Term of Appointment.** Each member of an Advisory Committee shall be appointed for an initial term of one (1) year and thereafter a term of two (2) years. After expiration of the initial one-year term, an individual's membership shall continue until the City Planning Commission takes action to replace the member with a new appointment or until the member resigns. The City Planning Commission shall replace members whose attendance is poor or who fail to act in accordance with the regulations of this Chapter.
- (e) Quorum and Voting.** A majority of the Advisory Committee's membership shall constitute a quorum, without which no votes may be taken. Approval of an application shall require the affirmative vote of a majority of the members present at a meeting.
- (f) Meetings and Records.** The Advisory Committee shall meet at least twice monthly unless there is no business to conduct. The staff representative of the City Planning Commission shall be designated as the Advisory Committee's Secretary and shall be responsible for prompt preparation of minutes, which shall be retained by the City Planning Commission.

### **341.07 Design Guidelines**

In reviewing applications subject to provisions of this Chapter, the Local Design Review Advisory Committee and the City Planning Commission shall follow the design guidelines set forth in the succeeding sections as well as any supplemental design guidelines adopted by Commission for a particular district.

- (a) Design Compatibility.** Alterations, additions and new development shall be compatible in scale, material, color, placement and character with the design of the subject property as well as the design of properties that are representative of the area's most valued architectural and environmental qualities. In evaluating compatibility, consideration shall also be given to the value of diversity and individuality in design.

- (b) Contemporary Design.** All buildings are recognized as products of their own time. Alterations, additions and new developments which have no historical basis and which seek to create an appearance characteristic of an earlier time are not required. Conversely, compatible contemporary design is encouraged except where such design would clearly detract from the architectural unity of a grouping of architecturally significant structures.
- (c) Preservation of Features.** The distinguishing original qualities of a property should not be diminished through alteration or removal of distinctive architectural features.
- (d) Replacement of Features.** In the event that replacement of significant architectural features is necessary, the new material should closely match the original material in composition, design, color, texture and all other visual qualities.
- (e) Cleaning.** The cleaning of exterior wall surfaces should be undertaken by the gentlest means possible. Sandblasting and other cleaning methods that will damage facing materials and architectural features shall not be undertaken.
- (f) Fences and Other Accessory Structures.** Fences, walkways, lighting, benches, landscaping and other accessory structures should be compatible in design with adjoining buildings and with the most valued aspects of an area's character. Use of chain-link fences along street frontages is discouraged unless otherwise specified in guidelines for a district.
- (g) Parking Lots.** Use of evergreen shrubbery and trees in combination with low ornamental fences is encouraged in screening parking lots from streets. Use of curbed, planted islands is encouraged to provide visual relief in large parking areas and to control traffic circulation. For districts characterized by buildings set along the street line, parking lots shall be located behind buildings whenever possible, with entrances located off of adjoining side streets.
- (h) Sustainability.** Buildings and properties should be designed and constructed to minimize energy consumption and to promote conservation of materials and natural resources.
- (i) Signs.** In addition to meeting Zoning Code and Building Code requirements for signs in applicable zoning districts, signs subject to approval under the provisions of this Chapter shall also meet the following design guidelines. In the case of a conflict between these regulations and the Zoning Code regulations, these regulations prevail.
- (1) Placement.** Wall signs should be designed to fit within the architectural space intended for signage and should not cover distinctive architectural features.
- (2) Compatibility.** Signs to be seen as a series should be designed with compatibility in terms of location, size, shape, style, material, illumination and color. As a general rule, uniformity should be maintained in certain characteristics while other characteristics are varied to permit individual expression and identification.
- (3) Color.** The colors of a sign should complement the color of the building facade to which the sign relates. If a raceway or similar device is used for attachment of a sign's letters or characters, the color of the raceway should match the color of the wall surface.
- (4) Lettering and Symbols.** The lettering and symbols on a sign should be large enough to be easily read but not overly large or out of scale with the building on which the sign is displayed. An excessive amount of information on signs, creating an image of visual clutter, should be avoided. Use of distinctive symbols or logos on signs is encouraged.

- (5) Projecting Signs.** Where permitted, projecting signs should be no larger than necessary for readability by nearby pedestrians and should contain no internal illumination other than in use of exposed neon and similar treatments. Spacing between projecting signs should be sufficient to prevent an image of clutter.
- (6) Wall Signs.** For signs mounted flat against the wall of a building, use of individual letters or characters is preferable to use of panel or cabinet signs in instances where individual letters or characters are less likely to detract from a building's architectural character. Such letters or characters should be attached in a manner that will minimize damage to the wall surface after removal. For buildings lacking appropriately designed wall space for placement of a sign, consideration should be given to use of a projecting sign, window sign or canopy sign as an alternative to a wall sign.
- (7) Billboards.** Billboards or "advertising signs", as defined in Section 325.64(b) of the Zoning Code, shall not be permitted in any Design Review District.
- (8) Design Exceptions.** In accordance with standards of Section 350.16 of the Zoning Code, the City Planning Commission may vary the sign regulations of Chapter 350 as necessary to permit signs that are better suited to the design of the subject property or nearby properties of architectural or historic significance.

### **341.08 Demolition and Moving**

For applications proposing the demolition or moving of a building in a Design Review District, other than for emergency demolition activities ordered by the Director of the Building and Housing to remedy conditions that pose immediate danger to human life or health, the following provisions shall apply.

- (a) Criteria for Action.** In considering a request to demolish or move a building or other structure located within a Design Review District, the City Planning Commission and its Local Design Review Advisory Committee shall consider the following factors in making its decision to approve or disapprove the request.
  - (1)** the architectural and historic significance of the subject building or structure;
  - (2)** the significance of the building or structure in contributing to the architectural or historic character of its environs;
  - (3)** in the case of a request to move a building or other structure, the relationship between the location of the subject building or structure and its overall significance;
  - (4)** the present and potential economic viability of the subject building or structure, given its physical condition and marketability;
  - (5)** the presence of conditions on the subject property that are dangerous or are detrimental to the immediate area and cannot be reasonably remedied other than by the proposed demolition;
  - (6)** the degree to which the applicant proposes to salvage and facilitate re-use of structures



proposed for demolition; and

(7) the design quality and significance and the appropriateness of the proposed re-use of the property.

**(b) Nature of Action.** The City Planning Commission may delay action, for a period of not more than six (6) months, on the demolition or moving of a building in order to allow economic viability studies to be conducted, as well as to allow interested parties the opportunity to explore alternatives to the proposed action. At the end of such period, the Commission shall either approve or disapprove the request to demolish or move, or may choose to delay action for a second and final period of not more than six (6) months if the Commission determines that this additional time period may be useful in securing an alternative to the proposed demolition or moving. At the end of such second and final period, the Commission shall either approve or disapprove the request.