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Issued 11/10/23

## **PUBLIC NOTICE HOUSING, PLANNING, & DEVELOPMENT COMMITTEE**

The Housing, Planning, & Development Committee will meet Monday November 13, 2023 at 5:00 p.m. in the City Hall Auditorium at 12650 Detroit Ave. The meeting is open to the public.

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 [michelle.nochta@lakewoodoh.net](mailto:michelle.nochta@lakewoodoh.net).

The meeting will be livestreamed on the City's website at the following link:

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[www.lakewoodoh.gov/councilvideos](http://www.lakewoodoh.gov/councilvideos)

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### **PUBLIC COMMENT PROTOCOL (Updated 6/21)**

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

### ***The agenda is as follows:***

Approval of the minutes of the October 23, 2023 Housing, Planning & Development Committee meeting.

**ORDINANCE 07-2023** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Sections 1121.09(a) Single-Family Maximum Lot Area Coverage, 1123.09(a) Single- and Two-Family Maximum Lot Coverage, and 1133.06 Conversion of Single-Family Structure Prohibited of the Codified Ordinances of the City of Lakewood in order to update the provisions. (*1<sup>st</sup> read and referred to PC & HPD 3/20/23, 2<sup>nd</sup> reading 4/3/23*)

Tom Bullock, Chair  
Jason Shachner, Sarah Kepple Members  
**HOUSING, PLANNING, & DEVELOPMENT COMMITTEE**

ORDINANCE NO. 07-2023

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Sections 1121.09(a) Single-Family Maximum Lot Area Coverage, 1123.09(a) Single- and Two-Family Maximum Lot Coverage, and 1133.06 Conversion of Single-Family Structure Prohibited of the Codified Ordinances of the City of Lakewood in order to update the provisions.

WHEREAS, the City of Lakewood has established certain regulations limiting the building area coverage of lots and restricting the conversion of single-family dwellings to accommodate more than one family despite the use being permitted by the zoning district; and

WHEREAS, the regulations subject to this Ordinance were authorized in 1996 with the adoption of a new Zoning Code for the City of Lakewood; and

WHEREAS, the City desires to create new housing opportunities in the community, particularly those that support affordability, aging in place, and shared living; and

WHEREAS, with knowledge of the historical impact of these restrictions on the City's goal, the City must amend the regulations; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that these provisions should be enacted to advance the City's goal to create new housing opportunities that enhance affordability, aging in place, and shared living; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That Sections 1121.09(a) Single-Family Maximum Lot Area Coverage, 1123.09(a) Single- and Two-Family Maximum Lot Coverage of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1121.09(a). Maximum Lot Area Coverage.** The principal structure including decks, patios, etc., shall not cover more than twenty-five percent (25%) of the lot area.

**1123.09(a). Maximum Lot Area Coverage.** The principal building, including attached decks, shall not cover more than twenty-five percent (25%) of the lot area.

are hereby repealed.

Section 2. That new Sections 1121.09(a) Single-Family Maximum Lot Area Coverage, 1123.09(a) Single- and Two-Family Maximum Lot Coverage are hereby enacted to read as follows:

**1121.09(a). Maximum Lot Area Coverage.** The principal structure including decks, patios, etc., shall not cover more than thirty-five percent (35%) of the lot area.

**1123.09(a). Maximum Lot Area Coverage.** The principal building, including attached decks, shall not cover more than thirty-five percent (35%) of the lot area.

Section 3. That Section 1133.06 Conversion of Single-Family Structure Prohibited of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1133.06. Conversion of Single-Family Structure Prohibited.** No single-family structure shall be converted to or enlarged or altered to accommodate more than one (1) family.

is hereby repealed.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five (5) of members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted \_\_\_\_\_

\_\_\_\_\_  
John Litten, President of Council

\_\_\_\_\_  
Maureen M. Bach, Clerk of Council

Approved \_\_\_\_\_

\_\_\_\_\_  
Meghan F. George, Mayor

**CHAPTER 1103**

**Definitions**

**1103.02 Definitions.**

1103.02 DEFINITIONS.

The following terms and phrases shall have, for purposes of the Code, the meanings as set forth in this section.

(dd-3) DWELLING UNIT, ACCESSORY means a self-contained dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen, bathroom, and sleeping area that is located on the same lot as a larger single-family dwelling that serves as the principal use of the lot; and whose use is subordinate and incidental to the larger single-family dwelling..

(rr-1) LOT COVERAGE means that percent of the lot area occupied by a structure, including any part thereof, which extends beyond the foundation; roof overhangs of twelve (12) inches or less, including any rain gutter, shall be excluded from this calculation.

(rr-2) LOT COVERAGE, MAXIMUM means the portion of the lot covered by any structure or constructed element that impedes infiltration of stormwater into the ground or disrupts vegetated surfaces. For purposes of determining maximum lot coverage, buildings, structures, or constructed elements that allow some infiltration, such as decks, patios and driveways, porous pavers or concrete, or other elements that disturb ground cover shall be counted towards the total surface coverage unless it is demonstrated it is a functional and integral part of a stormwater system and best management practice as determined by the City Engineer or designee.

**CHAPTER 1121**  
**Single-Family Residential Districts**

**1123.03 Permitted Accessory Uses**

**1121.09 Maximum lot area coverage.**

1121.03 PERMITTED ACCESSORY USES.

The following accessory uses shall be permitted when located on the same lot with a permitted principal use:

(a) A garage not to exceed 480 square feet in area or the requirement of Section 1121.09(c), whichever is greater but shall not exceed the requirements of Section 1121.09(d).

(b) Signs as regulated by Chapter 1151.

(c) A Type A home occupation, provided such use is clearly incidental to the principal use, pursuant to Chapter 1145.

(d) An unroofed patio deck not to exceed 300 square feet in area and forty-two (42) inches above grade, ~~the requirements of Section 1121.09 notwithstanding~~. The rear yard depth requirement shall be not less than thirty (30) feet measured from the back of the deck regardless of the requirements of Section 1121.07.

(e) A family swimming pool, which complies with the standards of Section 1121.10(c) and Chapter 1721 of the Sanitary Code.

(f) A storage shed not to exceed eighty (80) square feet in area or which complies with the requirement of Section 1121.09(c), whichever is greater but shall not exceed the requirements of Section 1121.09(d), and ten (10) feet in height above grade Section 1121.05(b) notwithstanding.

(g) Fences and living fences as regulated by Chapter 1153.

(h) An arbor and/or trellis, provided that where located in a front yard the total length of such shall not exceed six (6) feet in width, four (4) feet in depth, and eight (8) feet in height.

(i) Gazebos and other decorative structures not to exceed forty (40) square feet in area, ~~Section 1121.10(a) notwithstanding~~.

(j) Antenna(s) and satellite dish antenna(s) provided they comply with the standards of Chapter 1157.

(k) Wireless telecommunication antenna(s) provided they comply with the standards of Chapter 1159.

1121.09 MAXIMUM LOT AREA COVERAGE.

(a) The principal structure, ~~including decks, patios, etc.,~~ shall not cover more than ~~twenty-five percent (25%)~~ thirty-five percent (35%) of the lot area.

(b) Arbors, trellises, exterior steps, fences, and living fences shall be excluded from the lot coverage requirement.

(c) An accessory structure or structures shall not cover more than twenty-five percent (25%) of the area of the rear yard except as provided in Section 1121.03.

(d) The maximum lot coverage shall not exceed the following:

(1) 85% in the R1H District;

(2) 70% in the R1M District; and

(3) 60% in the R1L District.

**CHAPTER 1123**  
**Single- and Two-Family Residential Districts**

**1123.03 Permitted Accessory Uses**

**1123.04 Conditionally permitted uses.**

**1123.09 Maximum lot area coverage.**

1123.03 PERMITTED ACCESSORY USES.

The following accessory uses shall be permitted when located on the same lot with a permitted principal use.

(a) A garage not to exceed 480 square feet in area or the requirement of Section 1123.09(c), whichever is greater but shall not exceed the requirements of Section 1123.09(d).

(b) Signs as regulated by Chapter 1151.

(c) A Type A home occupation, provided such use is clearly incidental to the principal use, pursuant to Chapter 1145.

(d) An unroofed patio deck not to exceed 300 square feet in area and height not to exceed the first floor elevation above grade, Section 1123.05(b) ~~and Section 1123.09~~ notwithstanding. The rear yard depth requirement shall not be less than thirty (30) feet measured from the back of the deck regardless of the requirements of Section 1123.07.

(e) A family swimming pool, which complies with the standards of Section 1123.10(c) and Chapter 1721 of the Sanitary Code.

(f) A storage shed not to exceed eighty (80) square feet in area or which complies with the requirement of Section 1123.09(c), whichever is greater but shall not exceed the requirements of Section 1123.09(d), and ten (10) feet in height above grade, Section 1123.05(b) notwithstanding.

(g) Fences and living fences as regulated by Chapter 1153.

(h) An arbor and/or trellis, provided that where located in the front yard the total length of such shall not exceed six (6) feet in width, four (4) feet in depth and eight (8) feet in height.

(i) Gazebos and other decorative structures not to exceed forty (40) square feet in area; ~~Section 1123.09 notwithstanding.~~

(j) Antenna(s) and satellite dish antenna(s) provided they comply with the standards of Chapter 1157.

(k) Wireless telecommunication antenna(s) provided they comply with the standards of Chapter 1159.

#### 1123.04 CONDITIONALLY PERMITTED USES.

If approved by the Commission pursuant to Section 1173.02, the following may be permitted as conditional uses provided that the standards and conditions hereinafter specified are met:

- (a) Roomer, pursuant to Section 1161.03(q).
- (b) Accessory Parking, pursuant to Section 1161.03(a).
- (c) Re-use of an existing non-conforming structure, pursuant to Section 1161.03(o).
- (d) A Type B home occupation, pursuant to Chapter 1145 and Section 1161.03(f).
- (e) Wireless telecommunication antenna(s), pursuant to Section 1159.04(c)(2).
- (f) Wind generation facility, pursuant to Chapter 1160.

~~(g) Accessory Dwelling Units, pursuant to Section 1161.03(bb).~~

#### 1123.09 MAXIMUM LOT AREA COVERAGE.

(a) The principal building, including ~~attached decks~~ attached accessory dwelling units, shall not cover more than ~~twenty-five percent (25%)~~ thirty-five percent (35%) of the lot area.

(b) Arbors, trellises, exterior steps, fences, and living fences shall be excluded from the lot coverage limitation.

(c) An accessory structure or structures shall not cover more than twenty-five percent (25%) of the area of the rear yard except as provided in Section 1123.03. Accessory dwelling units are not subject to this provision and instead are regulated by Section 1161.03(bb).

~~(c) The maximum lot coverage shall not exceed 85%.~~

**CHAPTER 1133**  
**Additional District Regulation**

**1133.06 Conversion of Single-Family Structure Prohibited.**

1133.06 CONVERSION OF SINGLE-FAMILY STRUCTURE PROHIBITED.

No single-family structure shall be converted to or enlarged or altered to accommodate more than one (1) family, except that an accessory dwelling unit can be constructed or located on certain lots in accordance with Section 1161.03(bb).

**CHAPTER 1161**  
**Conditional Uses**

**1161.03 Conditionally permitted uses.**

1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

(bb) Accessory Dwelling Units. In a R2 Single- and Two-Family District accessory dwelling units may be permitted as a conditionally permitted use subject to the following regulations:

(1) The lot on which an accessory dwelling unit is placed shall have only one existing dwelling unit.

(2) The lot must be continuously occupied by the majority owner of the lot as their primary residence and as evidenced by documentation determined sufficient by the Planning & Development Director or designee.

(3) The accessory dwelling unit may be attached to or detached from any principal or accessory structure. If attached to a principal structure, the accessory dwelling unit must be designed in a manner to minimize the impact to the principal structure, to the maximum extent practical, and reviewed and approved by the Architectural Board of Review.

(4) For any accessory dwelling unit proposed over an existing accessory structure (i.e., a garage) the existing structure must meet current Building Code requirements.

(5) The accessory dwelling unit must be located in a side or rear yard and not be closer to any street frontage than the primary structure. In the case of a double frontage lot, the accessory dwelling unit shall meet the applicable setback standards.

(6) The minimum gross floor area of the accessory dwelling unit shall be that required by the applicable Building Code in effect at the time any permit is issued.

(7) The maximum gross floor area of the accessory dwelling unit shall be 50% of the gross lot coverage area of the principal structure, excluding porches, decks, and patios, or 1,000 square feet, whichever is less. The maximum gross floor area shall not include any exterior stairs or landings required for ingress or egress.

(8) For accessory dwelling units attached to the principal structure, the maximum height shall be that applicable for the principal structure. For accessory dwelling units that are detached or attached to an accessory structure, the maximum height shall be that

applicable for an accessory structure. In no instance shall the height of the accessory dwelling unit exceed the height of the principal structure.

(9) The accessory dwelling unit must be reviewed and approved by the Architectural Board of Review in accordance with any applicable requirements, standards, and guidelines.

(10) There shall be one designated off-street parking space on the lot on which the accessory dwelling unit is located.

(11) The accessory dwelling unit must be separately addressed with the address posted in accordance with Ohio Fire Code.

(12) An accessory dwelling unit cannot be separately conveyed for sale or purchase from the principal structure on the lot.

(13) The minimum rental term for an accessory dwelling unit shall not be less than 180 days.

(14) No certificate of compliance or completion or permit to occupy an accessory dwelling unit shall be issued until evidence is provided to the Planning & Development Director, or designee that a deed restriction providing notice of the regulations of this Chapter and Section, on a form approved by the Law Director, or designee, has been recorded on the lot with Cuyahoga County.