

# CITY OF MIDDLEBURG HEIGHTS, OHIO

## Council Agenda

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April 28, 2026

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### **6:00 P.M. REGULAR MEETING**

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of April 14, 2026

### COMMUNICATIONS

### AUDIENCE PARTICIPATION

### APPOINTMENTS AND CONFIRMATIONS

### ORDINANCES, RESOLUTIONS AND MOTIONS

1. City Parks, Recreation & Services Committee – Mr. Ali, Chairman
2. Finance, Taxation & Assessments Committee – Mr. Bortolotto, Chairman
3. Legislation & Rules Committee – Mr. Zakel, Chairman
4. Public Health, Safety & Relief Committee – Mr. McGregor, Chairman
5. Public Improvements Committee – Mr. Sage, Chairman
6. Streets, Utilities & Railroad Committee – Mr. Meany, Chairman
7. Zoning & Building Code Committee – Mr. Ference, Chairman

### MAYOR'S REPORT

1. Law Director
2. Finance Director
3. Recreation Director
4. Economic Development Director
5. Service Director

### ADJOURNMENT

# CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

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## 2026 PENDING LEGISLATION

### UN-NUMBERED LEGISLATION

#### INTRODUCED BY COUNCILMAN FERENCE

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE MIDDLEBURG HEIGHTS ZONING CODE.

#### INTRODUCED BY MAYOR CASTELLI

A RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERT I. SWANSON AS POLICE CHIEF FOR THE CITY OF MIDDLEBURG HEIGHTS.

#### INTRODUCED BY MAYOR CASTELLI

AN ORDINANCE AMENDING SECTION 127.17 "PART-TIME KENNEL ASSISTANTS" OF THE MIDDLEBURG HEIGHTS CODIFIED ORDINANCES.

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Ordinance No. 2026-

Introduced By: Mr. Ference  
Co-Sponsors: Mr. Bortolotto, Mr. Sage

**AN ORDINANCE  
AMENDING VARIOUS SECTIONS  
OF THE MIDDLEBURG HEIGHTS ZONING CODE**

WHEREAS, the Zoning & Building Code Committee of Council has reviewed the zoning code edits and pursuant to Section 1123.03 (d) (1) of the Middleburg Heights Zoning Code has requested preparation of zoning amendment legislation; and

WHEREAS, pursuant to Section 10.02 (d) of the Charter of Middleburg Heights, and Section 1123.03 (e) of the Middleburg Heights Zoning Code, such legislation shall be referred to the Planning Commission for its consideration and recommendation; and

WHEREAS, pursuant to Section 10.02 (d) of the Charter of Middleburg Heights and Section 1123.03 (f) (7) of the Middleburg Heights Zoning Code, Council shall establish a time for a public hearing on zoning matters after action by the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That Chapters 1129, 1161, 1121, 1141, 1149, and Chapter 1137 of the zoning code of the City of Middleburg Heights shall be amended to read as written in "Exhibit A", a copy of which is attached hereto.

Section 2: It is hereby 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 deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: \_\_\_\_\_

\_\_\_\_\_

President of Council

Attest: \_\_\_\_\_

Approved On: \_\_\_\_\_

Clerk of Council

Presented to Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Zakel	_____	_____

April 15, 2026

**To:** Keith Foulkes  
Middleburg Heights Building Commissioner

**From:** Jay Stewart  
Stewart Land Use

**Re:** Summary of Proposed Zoning Code Edits

**Edit #1 CHAPTER 1129 Land Use Chart**

**Edit Summary:** Remove the "Parking Facilities" land use as a conditional use in the GB, PMU and O zoning districts and remove "Commercial Parking Lots and Facilities" land use as a conditional use in the GB and GI zoning districts. Add "City of Middleburg Heights Public Services" land use to the GB, PMU, O and GI zoning districts.

**Reason for the Edit:** Parking facilities serving as the principal use on a parcel produce minimal tax revenue on general business, PMU, General Industrial and office zoned parcels that should be reserved for tax revenue generating land uses. Additionally, there is no present or foreseeable need for private, for-profit, parking facilities needed to support other City land uses. Adding the City of Middleburg Heights Public Services land use to the GB, PMU, O and GI zoning districts to provide flexibility in locating future City facilities.

**Section 1129.07. (Land Use Chart)**

Now reads:

Land Use Description	R1-A	R1-C	R2-F	RMF	RSL	GB	PMU	O	GI	P-I
Parking Facilities	-	-	-	-	-	C	C	C	-	-
Commercial Parking Lots and Facilities	-	-	-	-	-	C	-	-	C	-
City of Middleburg Heights Public Services	-	-	-	-	-	-	-	-	-	P

Amend the Land Use Chart as follows:

Remove the "Parking Facilities" and "Commercial Parking Lots and Facilities" land use (rows) from the Land Use Chart and add " City of Middleburg Heights Public Services" land use to the GB, PMU, O and GI zoning districts.

Land Use Description	R1-A	R1-C	R2-F	RMF	RSL	GB	PMU	O	GI	P-I
City of Middleburg Heights Public Services	-	-	-	-	-	P	P	P	P	P

**Edit #2 CHAPTER 1161 Automobile Sales**

**Edit Summary:** Modify the definition for "Automobile Sales" to permit the sale of used motor vehicles only when the sale of brand new motor vehicles serves as the principal use of the parcel. The sale of used motor vehicles would only be permitted as an accessory use to the principal use of selling brand new motor vehicles.

**Reason for the Edit:** This modified definition will track more closely with the previous zoning code's definition for automobile sales. The key changes involve restricting the sale of used motor vehicles when no new vehicles are sold on the parcel and allowing vehicle preparation and repairs as an accessory use only. Please note the zoning code already contains automobile sales requirements as part of the conditional use chapter found in Section 1143.04(c).

**Section 1161 (30).**

Now reads:

"(30) "Automobile Sales." An open space area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done, including work on farm implements, boats, motorcycles, bicycles, and lawnmowers."

Amend to read as follows:

"(30) "Automobile Sales." The use of any building or land area by an automobile dealer principally for the display and sale of new automobiles. "Automobiles" may also include light trucks, vans, or trailers. The sale of used automobiles may be permitted only as an accessory use provided the inventory of used automobiles does not exceed thirty-five percent (35%) of the overall vehicle inventory at any one time. The rental of automobiles may be permitted as an accessory use only. The sale of used vehicles must be located on the same parcel as the new vehicle sales. Any vehicle preparation or repair work shall be conducted solely as an accessory use."

**Edit #3 CHAPTER 1121 Scrivener's Errors**

**Edit Summary:** Add a new section to the zoning code to allow the Building Commissioner to correct any scrivener's errors as may be discovered through time.

**Reason for the Edit:** Adding a scrivener's error clause to a zoning code provides an efficient way to correct typographic, spelling and other minor errors. The current procedure to making these text error changes is going through the formal zoning code text amendment procedure. The proposed new text provides a very specific list of the types of errors that qualify. These text modifications would have no effect on any substantive provision in the zoning code.

**Section 1121.02(h)**

Add the following new section as 1121.02(h):

"(h) Correction of Scrivener's Errors. The Building Commissioner shall be authorized to correct scrivener's errors in this Zoning Code without the need for a Zoning Code text amendment. If such correction is substantial and effects the application of this Zoning Code and any property affected by it, then the formal text amendment procedure is required. Scrivener's error shall be defined as an error due to a minor mistake or inadvertence and not one that occurs from any zoning interpretation. Scrivener's errors corrected by the Building Commissioner shall be noted in the Zoning Code. For purposes of this Section, a scrivener's error includes one or more of the following:

- (1) Misspelling;
- (2) Grammatical error;
- (3) Numbering error;
- (4) Cross-referencing error; or
- (5) Inconsistency with the rules of style adopted for the reformatted Zoning Code.

**Edit #4 CHAPTERS 1129 and 1161 Hotel Related Edits**

**Edit Summary:** Remove the "Hotel" land use from the land use chart which would prohibit new hotel establishments going forward. The proposed edits would allow for the rebuilding of existing hotel buildings and sites in the event of a disaster such as a tornado or fire. The edits would also allow for the voluntary demolition of an existing hotel building and site to make way for a new hotel on the same site, thus exempting these existing hotel uses from certain legal non-conforming use chapter requirements. These edits would also restrict the creation of any new extended stay temporary residence dwelling units in any permitted hotel expansion or rebuild scenario.

**Reason for the Edit:** Currently, the City has numerous hotels operating within its corporation limits. It has been determined that there is an adequate amount of hotel rooms available within the City and prohibiting new hotels will reserve prime commercial sites for other permitted land uses.

**Section 1129.07. (Land Use Chart)**

Now reads:

Land Use Description	R1-A	R1-C	R2-F	RMF	RSL	GB	PMU	O	GI	P-I
Hotel	-	-	-	-	-	P	P	-	-	-

Amend the Land Use Chart as follows:

Remove the "Hotel" land use (row) from the Land Use Chart.

**Section 1129.09(e).**

Now reads:

"(e) Hotel.

- (1) The minimum area per hotel unit shall be 350 square feet.
- (2) Each hotel unit shall contain no more than two sleeping rooms and no cooking facilities. A microwave oven and small refrigerator are permitted in each unit.
- (3) All public entrances to the facilities are from a lobby, hallway, or other interior portion of the hotel.
- (4) All new hotels constructed after the enactment of this section shall be located within one thousand feet (1,000') of the Interstate 71 interstate right-of-way."

Amend to read as follows:

"(e) Hotel.

- (1) The minimum area per hotel unit shall be 350 square feet.
- (2) Each hotel unit shall contain no more than two sleeping rooms and no cooking facilities. A microwave oven and small refrigerator are permitted in each unit.
- (3) All public entrances to the facilities are from a lobby, hallway, or other interior portion of the hotel.
- (4) All new hotels constructed after the enactment of this section shall be located within one thousand feet (1,000') of the Interstate 71 interstate right-of-way.
- (5) Any hotel establishment currently operating at the time of this amendment shall be permitted to rebuild a hotel on the same site in the event of a natural disaster or fire. An existing hotel establishment may also voluntarily demolish or expand some or all of a hotel structure, in order to rebuild or expand a hotel on the same site.

(6) Any hotel establishment currently providing extended stay residence dwelling units at the time of this amendment shall not expand the number of such extended stay rooms. In the event of any building expansion or rebuild, as provided under this section, such hotel shall not include any extended stay residence dwelling units in the newly expanded building area or anywhere within a new hotel structure. A violation of this requirement shall result in the termination of the site's legal nonconforming use status as it relates to permitting the on-going use of extended stay residence dwelling units."

(7) "Extended stay residence dwelling units" shall be defined as any hotel units offering accommodations to persons for thirty-one days, or more, and meeting those requirements of an "extended stay hotel" as set forth in Ohio revised Code Section 3731.01. An extended stay residence dwelling unit shall be considered "non-transient."

(8) Effective upon the date of passage of this section, all hotel uses offering extended stay residence dwelling units shall be subject to the extended stay hotel registration requirements, as administered by the Building Commissioner.

**Section 1161(156).**

Now reads:

"(156) "Hotel." Any structure consisting of one or more buildings containing any combination of more than five guest rooms that are each approved by the Building Commissioner and the State Fire Marshal as meeting the requirements for transient sleeping rooms or extended stay temporary residence dwelling units, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons, but such structure does not otherwise meet the definition of a transient hotel or an extended stay hotel as defined in R.C. Chapter 3731. A hotel may provide other ancillary services for the guests such as restaurants, meeting rooms, and recreational facilities. All public entrances to the facilities are from a lobby, hallway, or other interior portion of the hotel."

Amend to read as follows:

"(156) "Hotel." Any structure consisting of one or more buildings containing any combination of more than five guest rooms that are each approved by the Building Commissioner and the State Fire Marshal as meeting the requirements for transient sleeping rooms or as having features of such sleeping rooms within the same room. Such hotel structure shall be specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations are offered for pay to transient guests for a period of thirty days or less. A hotel may provide other ancillary services for the guests such as restaurants, meeting rooms, and recreational facilities. All public entrances to the facilities are from a lobby, hallway, or other interior portion of the hotel."

**Edit #5 CHAPTER 1141 Non-Residential Accessory Use Standards**

**Edit Summary:** Delete Section 1141.02(c)(1).

**Reason for the Edit:** I discovered a conflict in the code dealing with the maximum height of non-residential accessory buildings and structures. This section proposed to be deleted states a maximum non-residential accessory structure height of 15 feet. We also have accessory height maximums found in the development standards tables located within the non-residential zoning district chapters which state a maximum of 25 feet for industrial accessory structures and 20 feet for all other non-residential accessory structures.

**Chapter 1141 Accessory Use Standards**

Delete the following Section 1141.02(c)(1) in its' entirety:

" (1) An accessory use may not exceed fifteen feet in height."

**Edit #6      CHAPTER 1161      Definitions - Tobacco Retailer**

**Edit Summary:** Modify the definition for "Tobacco Retailer" to reduce the gross sales receipt requirement from the current 51% down to 15%. Reduce the number of permitted tobacco retailers within the city from three to two.

**Reason for the Edit:** This proposed reduction in the gross sales receipt threshold for tobacco and nicotine products and number of permitted tobacco retailer uses promotes health, safety and wellness and more closely aligns with the policy goals of the City and in its effort to regulate the amount of tobacco and nicotine products and accessories throughout the City.

**Chapter 1161 Definitions****Now reads:**

"Tobacco Retailer." Any establishment that devotes ten (10) percent or more of floor area or display area to the sale, distribution, delivery, offering, or furnishing of tobacco products and/or derives fifty-one (51) percent or more of gross sales receipts from the sale of tobacco products. Tobacco products shall mean: (1) Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) Any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or (3) Any component, part, or accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to liquids used in electronic smoking device, filters, rolling papers, blunt or hemp wraps, and pipes. The term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose."

**Amend to read as follows:**

"Tobacco Retailer." Any establishment that devotes ten (10) percent or more of floor area or display area to the sale, distribution, delivery, offering, or furnishing of tobacco products and/or derives fifteen (15) percent or more of gross sales receipts from the sale of tobacco products. Tobacco products shall mean: (1) Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) Any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or (3) Any component, part, or accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to liquids used in electronic smoking device, filters, rolling papers, blunt or hemp wraps, and pipes. The term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose."

**Section 1143.04(cc)(1)****Now reads:**

"(1) No more than a total of three "tobacco retailers" shall be permitted to operate within the city limits of Middleburg Heights. This limit includes legally nonconforming tobacco retailer establishments and new tobacco retailer establishments seeking to operate after the adoption date of this section."

**Amend to read as follows:**

"(1) No more than a total of two (2) "tobacco retailers" shall be permitted to operate within the city limits of Middleburg Heights. This limit includes legally nonconforming tobacco retailer establishments and new tobacco retailer establishments seeking to operate after the adoption date of this section."

**Edit #7      CHAPTER 1149      JOINT PARKING AREA USE**

**Edit Summary:** Add a new section to allow a non-residential land use to utilize a parking area on an adjacent parcel subject to the requirements of Sections 1149.13(a) and (b).

**Reason for the Edit:** This proposed edit provides clarification on the scope of joint use parking within the code. Specifically, this edit provides for a land use to utilize a parking area located on an adjacent parcel so long as the applicable conditions are met as set forth in Sections 1149.13(a) and (b).

**Section 1149.13(a) and (b)**

Now reads:

"(a) Two or more non-residential land uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Building Commissioner shall be filed with the application for a building permit.

(b) Two or more non-residential uses which do have overlapping hours of operation may jointly provide and use parking spaces, with a reduction of their combined required number of spaces by twenty-five percent (25%). This is to encourage the sharing of facilities, thus reducing the amount of land devoted to parking areas. A written agreement between the joint non-residential users must be approved by the Building Commissioner and shall be filed with the application for a building permit."

**Section 1149.13(c)**

Amend Sections 1149.13(a) and (b) as follows and add the following new Section 1149.13(c):

"(a) Two or more adjacent non-residential parcels may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Building Commissioner shall be filed with the application for a building permit.

(b) Two or more adjacent non-residential parcels, which do have overlapping hours of operation, may jointly provide and use parking spaces, with a reduction of their combined required number of spaces by twenty-five percent (25%). This is to encourage the sharing of facilities, thus reducing the amount of land devoted to parking areas. A written agreement between the joint non-residential users must be approved by the Building Commissioner and shall be filed with the application for a building permit.

(c) When the applicable conditions set forth in Sections 1149.13(a) or (b) have been satisfied, a non-residential land use may utilize an existing or newly constructed off-site parking area located on an adjacent parcel whether the adjacent parcel maintains an existing land use or is vacant. This off-site parking area shall be used exclusively by the employees or customers of the adjoining principal land use. The off-site parking area shall not be used as a park and ride facility, commercial parking lot, or any other short-term or long-term parking facility where customers or employees of the adjoining principal land use are not involved. Land uses utilizing a joint parking arrangement on an adjacent parcel existing at the time of this code amendment shall be deemed a legal non-conforming use."

**Edit #8 CHAPTER 1137 Planned Mixed Use District Standards and Procedure.**

**Edit Summary:** Modify the PMU review procedure.

**Reason for the Edit:** This proposed modification of our PMU review procedure is in response to receiving feedback from the development community seeking a more efficient PMU review process. The primary proposed change deals with the review and approval of the final site engineering drawings. The proposed modifications would place the authority to approve or deny the final site engineering drawings with the Building Commissioner. This approval would be based heavily on the input and recommendations of staff. This final site engineering drawing stage essentially deals with civil engineering and construction related items. The key discretionary elements of a PMU plan are still decided upon at the second PMU review stage when the public hearings are held with the Planning Commission and ultimately City Council.

**Section 1137.08 Planned Mixed Use District Standards and Procedure**

**Now reads:**

Please refer to the redline markup version of Section 1137.08.

**Amend to read as follows:**

Repeal Section 1137.08 in its entirety and replace with the following revised Section 1137.08 text.

**"1137.08 PLANNED MIXED USE DISTRICT STANDARDS AND PROCEDURE.**

(a) Planned Mixed Use District Standards. This section sets forth the procedural requirements and other PMU district specific standards to be applied to projects seeking to develop under this comprehensively planned zoning district. In the event of a conflicting standard or requirement between this section and other areas of this Zoning Code, the standard and requirements set forth in this section shall be followed.

(b) Land Uses.

(1) Prohibited land uses. The list of permitted and conditionally permitted land uses is set forth in the Land Use Matrix Chart in Section 1129.07 of this Code. All other land uses shall be prohibited in this mixed use district. Some of the expressly prohibited land uses in this mixed use district include, but are not limited to:

- A. Agriculture.
- B. Alternative financial services.
- C. Vehicle sales.
- D. Boarding houses.
- E. Car or truck wash facility as a principal use on a lot.
- F. Dealers or businesses with outdoor display of automotive, recreational vehicle, motorcycle, boat, construction equipment, farm equipment, manufactured homes, and other similar equipment for sale, rent or lease.
- G. Gas station / convenience store as a principal use on a lot.
- H. Outdoor sales area over sixty square feet.
- I. Outdoor storage.
- J. Sexually oriented businesses.
- K. Storage as a primary use including mini-storage and self-storage.
- L. Towing services, salvage yards and impound lots.
- M. Any use or development that creates a danger to public health or safety and/or a nuisance, including but not limited to environmental pollution, traffic, noise, vibration, odor, dust, or glare, based upon a land use interpretation by the Building Commissioner in order to adequately determine whether such use is compatible with the zoning district.
- N. Any other land use not expressly listed under the PMU district designation in the Land Use Matrix Chart found in Section 1129.07.

(2) Multifamily land uses. Multifamily land uses within a PMU development may be permitted by City Council on a case-by-case basis. These PMU multifamily standards further serve as a guide to regulate the amount and concentration of multifamily dwelling units within a PMU development. Multifamily land uses may be permitted within a PMU zoning district if a PMU waiver is issued by City Council and shall be subject to the following standards:

A. Multifamily land uses may only be permitted when submitted as part of a PMU Development Plan application which also includes non-residential land uses which create a net positive tax revenue stream to the City.

B. The density allowed for multifamily land uses within a PMU zoning district shall not exceed twelve units per acre without a PMU waiver approved by City Council.

C. The amount of land area dedicated to multifamily residential land uses within a PMU development shall be considered on a case-by-case basis by City Council after considering the intent and goals of the PMU zoning district as set forth in this Zoning Code and the Middleburg Heights Master Plan and other applicable planning studies. The targeted maximum amount of multi-family land area in any single PMU development application is sixty percent (60%). The goal is to ensure that any PMU development application contains a mixture of uses that will create a net positive tax revenues derived from the site.

(c) Open Space Requirements. No less than ten percent (10%) of the land developed in any Planned Mixed Use District development project shall be reserved for common open space for the residents or users of the area being developed. A minimum of fifty percent (50%) of the required total common open space area shall consist of active open space.

(1) Design goals. Active open space shall be designed with the goal to encourage active recreational use(s) for the users of the development. Active open space may include, but may not be limited to, the following uses: common gathering space, mowed open space, children play areas, and community garden areas.

(2) Connectivity. When the physical terrain and site layout permits, all open space areas shall be connected through pedestrian related facilities including but not limited to: sidewalks, hike/bike trails, and other similar pedestrian pathways.

(3) Ownership of open space. The required amount of common open space reserved under a Planned Mixed Use development shall be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or for use of visitors to the development.

(4) Maintenance of open space. The responsibility for the maintenance of all open spaces shall be specified by the developer in the Planned Mixed Use application materials.

(d) Planned Mixed Use (PMU) Development Plan Review Procedure.

(1) PMU concept plan. The PMU concept plan is intended to introduce the proposed project and to facilitate the City and the applicant reaching a mutual understanding on basic design, land usage and other elements of the proposed project. The applicant shall submit a concept level plan along with a completed PMU application form, application fee paid in full along with twelve copies of the following contents:

A. An area map showing adjacent property owners and existing uses within 200 feet of the project property line boundaries.

B. A legal description of the metes and bounds of the parcel.

C. A concept plan approximately to scale, though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following:

1. The existing topographical features of the site.

2. The location of the various metes and bounds of the parcel.

3. The general outlines of the interior roadway system, the proposed access points for the project and all existing rights-of-way and easements, whether public or private.

4. Delineation of the various land use areas indicating the general size and composition of each area in terms of total number of non-residential structures and residential dwelling units and unit size and bedroom count.

5. A calculation of the residential density in dwelling units per gross area including interior roadways;

6. The interior active and passive open space areas including the on-site pedestrian connectivity network plan.

D. Indicate where portions of the site are subject to flooding, if applicable. The concept plan shall include a sheet indicating the extent and frequency of flooding by delineating the limits of any flood plain areas or flood way areas as determined by the most current FEMA Flood Insurance Maps;

E. Principal ties to the community at large with respect to transportation, off-site pedestrian connectivity, water supply, sewage disposal and other utility systems.

F. Evidence of how the developer's proposed land uses and overall project proposal meet existing and projected community requirements set forth in the Middleburg Heights Comprehensive Master Plan and any other applicable City planning document.

G. General statement as to how common active and passive open space shall be utilized, owned and maintained;

H. If the development construction is to be phased over time, a general indication of how the construction phasing shall proceed. Whether or not the development is proposed to be phased, the concept plan shall show the intended total project.

I. The concept plan contents shall indicate the project design team members including but not limited to the project civil engineer, traffic engineer, landscape architect, and surveyor.

J. The applicant may request that a concurrent preliminary subdivision plat and final subdivision plat review be conducted as a part of this PMU review procedure. The applicant shall formally request a concurrent subdivision plat review in writing and such request shall be included with the PMU Concept Plan submittal materials.

(2) Building Commissioner action.

A. The Building Commissioner shall verify if the applicant has submitted a completed PMU concept plan submission along with the application form and fee paid in full. The applicant must meet all the applicable submission requirements before formally meeting with the City under this PMU Concept Plan review. The applicant is encouraged to meet with the City to discuss the project prior to formally submitting a PMU application.

B. Upon submitting a completed application and PMU concept plan, the applicant shall meet with City Administration personnel including, but not limited to: the City Mayor, Director of Economic Development, City Planning Consultant, City Architect, Building Commissioner, Service Director and City Engineer to discuss the project details. The meeting, or meetings, may also include one, or more, representatives of the Planning Commission and City Council.

C. No formal approval or denial action is provided during this PMU concept plan review stage. Rather, the Building Commissioner shall provide a recommendation on the PMU concept plan to the Planning Commission after considering recommendations and reports from the City Administration, City Staff and consultants. The applicant may not proceed to the Final PMU Development Plan submittal before meeting all the submission requirements and meeting with the City as set forth under this section.

(3) Final PMU development plan review.

A. Final PMU development plan contents. The applicant shall submit twelve copies of the completed Final PMU development plan, along with all required documentation and data, to the Planning Commission. The Final PMU development plan submission shall include the following:

1. All applicable items as set forth in Section 1147.02(c) of this Zoning Code.

2. City Staff shall prepare a first draft of the PMU development agreement during this phase of the review process.

3. In the event the Final PMU development plan includes the subdivision of land, any plan sheet, map, plat or other data required for compliance with the provisions of the Middleburg Heights Subdivision Regulations shall be submitted and incorporated into this Final PMU plan.

B. Planning Commission action.

1. Within sixty days of the receipt of a completed application for Final PMU development plan approval, the Planning Commission shall act on it by holding a public hearing pursuant to the procedure set forth in Section 1123.03(f).

2. After a public hearing has been held, the Planning Commission shall issue a formal recommendation to the City Council regarding the Final PMU development plan.

3. The Planning Commission shall issue one of the following recommendations to City Council: recommend approval, recommend approval with conditions and/or edits or recommend denial.

C. City Council action.

1. Within sixty days of the issuance of the Planning Commission recommendation, the City Council shall act on the Final PMU development plan application by holding a public hearing pursuant to the procedure set forth in Section 1123.03(g).

2. Following the public hearing, City Council shall either approve, disapprove or modify the Final PMU development plan in conformity with regulations, standards, criteria and purpose prescribed by this Zoning Code.

3. The PMU development agreement shall also be made a part of the review and consideration of the Final PMU plan submission items. The PMU development agreement shall be signed by the applicant prior to City Council taking action on the Final PMU development plan.

4. City Council may affirm the recommendation of the Planning Commission or disapprove a favorable recommendation of the Planning Commission by a majority vote of Council members in attendance at the time of voting.

(4) Factors for consideration of the Final PMU development plan. The Planning Commission and City Council review of a Final PMU development plan shall include, but is not limited, to the following considerations:

A. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.

B. Adequacy and arrangement of pedestrian traffic access and circulation including: separation of pedestrian from vehicular traffic and pedestrian convenience.

C. Location, arrangement, appearance and sufficiency of off-street parking and loading.

D. Location, arrangement, size and placement of the lot layout, buildings and lighting.

E. Arrangement of landscape features.

F. Adequacy of storm water and sanitary waste disposal facilities.

G. Adequacy of structures, roadways in areas with moderate to high susceptibility to flooding and ponding and/or erosion.

H. The design, density and land uses are consistent with the Middleburg Heights Master Plan and any other land use plans adopted by the Planning Commission or City Council.

I. The Planning Commission and City Council may also require such additional information be provided and attach conditions that appear necessary for the public health, safety and general welfare.

J. Conformance with the applicable site design guidelines and architectural design guidelines set forth in this chapter and creating an overall development which has higher aesthetic and functional standards compared to non-PMU projects.

(5) Request for changes to an approved Final PMU development plan. See Section 1137.08 (d)(8) for the procedure for requesting changes to an approved Final PMU development plan.

(6) PMU Site Engineering Drawing Package approval.

A. The applicant may submit a PMU Site Engineering Drawing Package of the project area to be developed in either a single phase or in multiple construction phases over time. The applicant shall submit twelve copies of the completed PMU Site Engineering Drawing Package, along with all required documentation and data, to the Building Commissioner. The PMU Site Engineering Drawing Package submission shall include, at a minimum, the following items:

1. All applicable plan items as set forth in Section 1147.03(b) of this Zoning Code.

2. In the event the PMU Site Engineering Drawing Package includes the subdivision of land, any plan sheet, map, plat or other data required for compliance with the provisions of the Middleburg Heights Subdivision Regulations shall be submitted and incorporated into this PMU Site Engineering Drawing Package.

B. The submitted PMU Site Engineering Drawing Package shall conform to City Council's approved Final PMU development plan. The PMU Site Engineering Drawing Package shall incorporate any revisions or conditions placed on it by City Council during the review and decision on the Final PMU development plan.

(7) City Administration Review and Decision Making for the PMU Site Engineering Drawing Package.

A. Within sixty days of receipt of the application for PMU Site Engineering Drawing Package approval, the Building Commissioner and other City Staff and consultants shall review the PMU Site Engineering Drawing Package for conformance to all applicable zoning code, subdivision regulation and any other engineering, landscape architecture and all other design and site construction requirements.

B. The Building Commissioner shall seek recommendations from City Staff and Consultants and consider the PMU Site Engineering Drawing Package and may approve the plan if the following criteria are satisfied:

1. The PMU Site Engineering Drawing Package complies with all of the conditions and modifications which may have been imposed in the approval of the Final PMU development plan.
2. PMU Site Engineering Drawing Package is in accordance with the applicable engineering and construction design criteria and provisions of this Zoning Code.
3. All agreements, contracts, deed restrictions, dedications, declarations of ownership and other required documents are in acceptable form and have been executed and recorded, as required by City Council.
4. Any development pursuant to a previously approved final PMU development plan is in accordance with that plan and the approved concept plan.
5. If the subdivision of land was included as part of the approved plan, the provisions of the Middleburg Heights Subdivision Regulations have been fully satisfied.
6. All application and other required project related fee payments have been made and the PMU Development Agreement has been properly recorded. (8) PMU Site Engineering Drawing Package and final PMU development plan changes. In order to preserve the flexibility which is fundamental to a comprehensively planned development, PMU Site Engineering Drawing Package and final PMU development plan changes are permitted subject to the standards and procedure set forth in this section.

A. Minor plan change. The Building Commissioner may approve changes to a PMU Site Engineering Drawing Package or final PMU development plan when it is determined that the proposed change is minor in nature and the overall intent of the Zoning Code is achieved. The Building Commissioner may refer any requested plan change to City Council for their consideration and determination to approve or deny the request.

B. Major plan change. If the Building Commissioner determines the proposed change represents a significant modification to an approved PMU Site Engineering Drawing Package or final PMU plan, the applicant shall follow the procedure set forth for reviewing and considering a final PMU plan provided for in this chapter. No PMU concept plan shall be required, but all requirements of the Final PMU development plan and PMU Site Engineering Drawing Package shall be satisfied.

(e) Required Public Improvements. No building permits shall be issued for construction within a planned mixed use development until all required public improvements are installed or performance bond posted in accordance with the same procedures as provided for by the City Engineer. Other such requirements may also be established from time to time by the City Engineer.

(f) Expiration and Extension of the Final PMU Development Plan Approval Period.

(1) The approval of a final PMU development plan shall be for a period not to exceed two years to allow for preparation and recording of required plats and the development of the project.

(2) If construction of at least twenty-five percent (25%) of the total cost of the project or at least twenty-five percent (25%) of the construction cost for the first phase of a project has not been completed within two years after final PMU development plan approval is granted by City Council, the approved final PMU development plan shall be void, and the land shall revert to the zoning district regulations in which it is located.

(3) An extension of the time limit or modification of the approved final PMU development plan may be approved if City Council finds that such extension or modification is not in conflict with the public interest and satisfies the intent of the original approval.

(g) Planned Mixed Use Development Agreement.

(1) City Administration Staff shall provide City Council the PMU development agreement with the Final PMU development plan submission. The PMU development agreement shall provide for various development related provisions, including, but not limited to:

- A. Administrative waivers as mutually negotiated between the City and the applicant.
- B. Operational details of the proposed land uses for the site.
- C. Site inspection details and procedure.
- D. Project construction phasing details.
- E. Off-site infrastructure improvements required to be installed by the applicant.

(2) Development agreement procedure.

A. The PMU development agreement shall ultimately be approved or denied as part of the Final PMU development plan review with City Council.

B. Full execution of the agreement by the applicant and the City shall be required as a condition of approval for the Final PMU development plan by City Council.

C. The applicant shall be responsible for recording the PMU development agreement document, along with any attachments, at applicant's expense, with the Cuyahoga County Recorder's office prior to making the PMU Site Engineering Drawing Package submission to the Building Commissioner.

(h) Planned Mixed Use District Waiver. The waiver review process provides a mechanism by which the substantive or procedural regulations of the Planned Mixed Use District and applicable standards located in other Zoning Code chapters may be modified if the development proposal modification is determined to be necessary and meets the intended purposes of this chapter and any supporting planning documents.

(1) PMU waiver eligibility.

A. Planned Mixed Use District waivers are modifications to design and development standards that are vital to the proposed development and determined to meet the goals and intent of the Planned Mixed Use District and achieve substantial, though not complete, compliance with the standards set forth in this chapter. Waivers shall not compromise the project's ability to meet the goals and intent of this district. Waivers shall be approved by City Council as part of the Final PMU development plan review and consideration.

B. Each waiver shall be considered on a case-by-case basis, and a waiver shall not apply to a project other than the project for which it was sought. If a project is not completed for which a waiver was granted, the waiver(s) becomes null and void. Any costs incurred as a result of a granted waiver are the sole responsibility of the applicant.

(2) PMU waiver request requirements. A waiver request shall be submitted in writing and be included with the other required application requirements for consideration of a Final PMU development plan. This request shall articulate specifically how the waiver request meets the goals and intent of the district as stated in this chapter along with any applicable planning documents and what circumstances or conditions exist such that a waiver is being requested.

(3) PMU waiver standard of review. City Council may approve a waiver of the substantive or procedural requirements found in this zoning code upon finding that:

A. The proposed development represents an innovative use of site design, site access, circulation, building design, orientation, landscaping or building materials which will enhance the area.

B. The proposed development will not be injurious to the public health, safety, or general welfare of the City.

C. The strict application of the general development requirements will result in a development which is undesirable when compared with the proposed development.

D. The proposed development is consistent with and compatible with other development located in the area.

E. The proposed development is consistent with the suggestions of the City Comprehensive Master Plan and any other applicable planning documents."

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Resolution No. 2026-

Introduced By: Mayor Matthew J. Castelli

**A RESOLUTION  
CONFIRMING THE APPOINTMENT OF ROBERT I. SWANSON  
AS POLICE CHIEF FOR THE CITY OF MIDDLEBURG HEIGHTS**

WHEREAS, the Mayor has appointed Robert I. Swanson to the office of Police Chief for the City of Middleburg Heights and has requested the Council to confirm such appointment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That the appointment of Robert I. Swanson as Police Chief is hereby confirmed effective at midnight May 1, 2026.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved On: \_\_\_\_\_

Presented to Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____

	Yea	Nay
McGregor	_____	_____
Ference	_____	_____
Zakel	_____	_____

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2026-

Introduced By: Mayor Matthew Castelli

AN ORDINANCE
AMENDING SECTION 127.17 "PART-TIME KENNEL ASSISTANTS"
OF THE MIDDLEBURG HEIGHTS CODIFIED ORDINANCES

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That Section 127.17 (a) "Part-Time Kennel Assistants" shall be amended to read as follows:

127.17 PART-TIME KENNEL ASSISTANTS.

(a) There is hereby established the position of two part-time kennel assistants to the Police Department. There shall be no more than three part-time kennel assistants. Such employees shall be appointed by the Chief of Police to serve at his or her pleasure. The Police Chief shall determine the times during which the services of such employees are required.

Section 2: It is hereby 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 deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved On: \_\_\_\_\_

Presented to Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor