

A quick and easy guide to opening or purchasing a business in Tremont

If you are planning to open a new business or purchase an existing business it is in your best interest to do a small bit of homework. Most commercial operations within the Tremont community are presently non-conforming uses.

Please ask the owner of the property and/or the real estate agent to provide you with a copy of the present Certificate of Occupancy for the turnkey business or commercial property you intend to purchase or lease.

A Certificate of Occupancy, will state the current legal use, the maximum occupant load, and any restrictions that may have been placed on the specific location by the Board of Zoning Appeals, or Building Board of Standards.

If you were told the present business does not have a Certificate of Occupancy, it would be recommended that you request the owner, current business operator, or lessee to attain this to make for an easier transition in acquiring the business location.

Any building owner or proprietor may make a written application with the City of Cleveland Building and Housing Department for an "Existing Use" Certificate of Occupancy. You must provide proof of the use i.e.; old building permit, plans, prints, violation notices, operational licenses, etc.

If a building owner, proprietor, or potential new operator cannot provide any previous documentation proving a existing use your application would more than likely be reviewed by Building and Housing officials. If you receive a letter of non-conformance from the City of Cleveland, your business will have to make application to the Board of Zoning Appeals for a variance to the existing zoning regulations.

It is the goal of TWDC, in its mission statement to support all existing or potential new legal conforming / legal non-conforming business operations within its service area. TWDC staff can provide technical assistance in helping you achieve compliance with the City of Cleveland. TWDC can also put you in contact with local Block Club's to gain their support of your business plans or required variances. Community outreach and support is an essential element that the Board of Zoning Appeals takes into consideration to grant a zoning variance.

- Definition within the City of Cleveland Zoning Code:

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325.52 Nonconforming Use

"Nonconforming use" means a use of a building or premises that does not conform to the regulations of the use district in which it is located.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

Permit Applications – Zoning – Licensing

To establish the use, expand, make alterations, or even change a use you must first go to the City of Cleveland Building and Housing Department and make application to do so. Once the application is processed a zoning review will take place to see if it meets current zoning regulations within the use district the business is located in.

- A) If your business plans were considered a legal use, you would be permitted to attain a building permit and move forward to work with the assigned building inspector in your area.
- B) If your business plans were considered non-conforming, you will receive a letter of non-conformance from the Building and Housing Department. It would be at that point you would have to consider altering your plans to conformity, or making application with the Board of Zoning Appeals to request a variance from existing code.
- C) Once your zoning appeal is granted, you may have to meet certain conditions of use that the Zoning Board request of you for them to grant the variance. Once you comply then you are permitted to pick-up you original application from BOZA, return to the Building and Housing Department to attain the proper building permits and move forward.
- D) Once your assigned inspector signs off on meeting compliance with your original plans, and makes sure you have met the BOZA conditions of use you then return to City Hall to request your final Certificate of Occupancy. (Note: Depending on your specific business you may have to attain separate approvals from the Health Department and the Division of Fire to receive your Certificate of Occupancy)
- E) If you have run into a small construction snag and have finished 95% to 99% of your project and if all other requirements from the Fire Department or Health Department are met. You may ask your inspector if he is willing to sign off on a “30-Day Temporary” Certificate of Occupancy. This will allow you to operate your business while finalizing your compliance. It is recommended that you do not exceed 90 days before attaining your final Certificate of Occupancy.
- F) After attaining your final Certificate of Occupancy, please contact the City of Cleveland Division of Licenses and Assessments. You may be required by codified ordinances to apply for and attain special bi-annual operational permits. Such as music permits, dancehall licenses, billiards permits, or coin operated device permits.
- G) It is the law for you as a business owner to post all Certificate’s of Occupancy, permits, licenses, and occupant load placards in a conspicuous location in plain sight for City of Cleveland inspectors or safety personal to review on your premises.

Top reasons why a business would need a Zoning Variance

- 1) To establish the current use, due to not having a valid Certificate of Occupancy, or based on the request of the Fire Department to attain a valid C of O to comply with current fire code. (CCO-3105.10)
- 2) You are either changing the existing use, expanding the existing use, or altering the existing structure. Note if you are already a legal non-conforming use permitted by a past zoning variance, you are required to get another BOZA variance to expand your use. (CCO-327.02 & CCO-359.01)
- 3) You do not have the required number of accessory off-street parking spaces to expand, alter, or change your use. (CCO-349.01 through 349.04)
- 4) You would like to provide entertainment at your existing restaurant, bar, or tavern. Currently you would have to meet all the same requirements as a nightclub. Or if you intend to open up a new nightclub. Your business would have to comply with items 1-3 above, and will also have to get a variance from Specific Uses regulations. (CCO-347.12)
- 5) You would like to add an outdoor patio or expanded seating area outside on private property. Your business would have to comply with items 1-3 above, and may have special conditions imposed by the Zoning Board of Appeals. (See item 7 below) This does not apply to Temporary Sidewalk (Café) seating in the public right of way.
- 6) You're intending on opening a business that seeks to acquire a liquor permit or provide entertainment in a Local Retail, or Residential District. You would need special permission from the Board of Zoning appeals if you were within 500ft. of a School, Church, Library, Park, Etc. in a Local Retail District. If your proposed new liquor establishment/nightclub were located in a Residential District, you would need special permission because the use is not permitted. (CCO-343.01/b/2/f) (CCO-337.01 through 337.08).
- 7) Special note: the Board of Zoning Appeals may require specific conditions of use that you lease additional accessory off-street parking spaces to meet current code. There is a distance requirement of the leased facility must be within 400ft. from your business. The lease needs to be a five-year renewable contract. The Board of Zoning Appeals can apply other conditions as they deem necessary such as security lighting and personal, or maintain striping and proper landscaping to current zoning code. On-street parking is generally not considered to meet parking compliance.

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