



CLEVELAND HEIGHTS

Council Committee of the Whole
August 24, 2026
5:00 PM
City Hall – Executive Conference Room

Agenda

- 1) Call to Order/Roll Call**
- 2) Finance Department Update (20 min)**
- 3) Municipal Services and Environmental Sustainability Topics (35 min)**
 - a. Plastic Food Ware — *Catalina Wagers*
 - b. 2027 Sustainability Budget — *Deanna Bremer Fisher*
- 4) Public Safety and Health Topics (30 min)**
 - a. Transportation Projects
 - b. Deer Management Update
 - c. School Zone Traffic Safety
- 5) Administrative Services Topics (30 min)**
 - a. Executive Session
 - *To consider the appointment of a public official*
- 6) Planning and Development Topics (60 min)**
 - a. Planning Commission Recommendations - Accessory Dwelling Units (ADU's)
 - b. Proposed Park District Ordinance
- 7) Other**



CLEVELAND HEIGHTS

8) **Adjourn**



MEMORANDUM

TO: City Council
CC: Mayor Petras; Michael Reese, City Administrator
FROM: Brooke Siggers, Secretary to the Planning Commission
DATE: July 31, 2026
SUBJECT: Accessory Dwelling Units (ADUs) Update for Discussion at Committee of the Whole

Introduction

The Planning Commission reviewed the draft of the proposed code text amendments pertaining to Accessory Dwelling Units (ADUs) at the July 31, 2026 regular meeting. The main ideas discussed during this review fit into the following broad categories:

- Owner occupancy requirement and how property sales and transfers will affect it
- ADU conversions in existing accessory structures
- ADU conversions in accessory structures with non-conforming setback distances
- Conditionally permitting ADUs vs. permitting ADUs by right
- Permitting internal ADUs in the future to allow homeowners at various income levels opportunities to incorporate a new dwelling unit into their home

Summary of Proposed Changes

The following adjustments were made to the draft of proposed zoning text amendments to permit Accessory Dwelling Units (ADUs) that was presented at the July 31, 2026 Planning Commission meeting:

1. Adjust language to clarify the maximum permitted square footage for properties that are exactly 6,000 square feet in area, allowing a maximum of 1,000 square feet for lots 6,000 square feet and greater in area.
 - This addition is meant to clarify the permitted square footage for ADUs on properties with exactly 6,000 square feet of area – the previous iteration of the code amendments only specified maximum square footage for ADUs on properties above or below 6,000 square feet in area.
2. Add clause addressing deed restrictions: *"Consistent with Section 1101.03(b) of the Codified Ordinances of Cleveland Heights, an ADU shall not be constructed in violation of any applicable private deed restriction, restrictive covenant, or homeowners' association rule. The property owner is solely responsible for determining whether any such restrictions apply and for ensuring compliance with them. Nothing in this provision obligates the City to identify, interpret, or enforce any private deed restriction, restrictive covenant, or homeowners' association rule."*
 - This addition is meant to address potential deed restrictions that prohibit the construction of an ADU, and clarifies that while the City will not enforce deed restrictions, they should not be constructed if it is in violation of any applicable private deed restriction, restrictive covenant, or homeowners' association rule.

3. Adjust language to remove setback requirements for existing legal non-conforming buildings being converted to ADUs; and
 - This addition is meant to permit existing accessory structures such as a garage, pool house, or similar structure without a 5-foot setback to be legally converted into an ADU without the necessitation of a variance or Planning Commission-granted Conditional Use Permit.

At the conclusion of this meeting, the Planning Commission voted to adopt the attached resolution, and recommend that City Council adopt the proposed zoning code text amendments with the suggested revisions.

The intent of this memorandum and its attachments is to communicate the Planning Commission's recommended adjustments, and serve as the basis for the discussion at the upcoming Committee of the Whole meeting. Planning Staff will be available at the upcoming meeting to further discuss details of the proposed code changes.

RESOLUTION

CITY OF CLEVELAND HEIGHTS PLANNING COMMISSION

CITY COUNCIL REFFERAL OF ORDINANCE NO. 142-2026, ACCESSORY DWELLING UNITS ZONING TEXT AMENDMENTS

July 29, 2026

An Ordinance amending various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to permit accessory dwelling units (“ADUs”).

WHEREAS, national and local trends indicate a growing elderly population and declining household size within the City of Cleveland Heights; and

WHEREAS, in response to those trends, there is a need to provide flexibility to the regulations within the Zoning Code of the Codified Ordinances of the City of Cleveland Heights regarding living arrangements to make the City more resilient and livable for the modern age; and

WHEREAS, ADUs promote “aging-in-place” as an accessible and dignified housing opportunity for older adults, caregivers, or people with mobility disabilities; and

WHEREAS, the adopted 2017 City of Cleveland Heights Master Plan recommends reviewing and considering regulations allowing alternative living arrangements such as ADUs; and

WHEREAS, the City retained the Cuyahoga County Planning Commission to conduct an ADU Study for the City; and

WHEREAS, the Cleveland Heights ADU Study found several community and environmental benefits to allowing ADUs within Cleveland Heights; and

WHEREAS, the Cuyahoga County Planning Commission presented the ADU Study to the Planning Commission on November 13, 2024; and

WHEREAS, in 2024 the Cleveland Heights ADU Design Competition engaged the local design community to imagine what ADUs could look like in Cleveland Heights, culminating in a showcase and celebration of winning designs on December 4, 2024; and

WHEREAS, zoning codes are living, breathing documents and should be revisited from time-to-time; and

WHEREAS, as a result of the ADU Study and ADU Design Competition, the City retained the Cuyahoga County Planning Commission to prepare potential zoning text amendments that would permit ADUs; and

WHEREAS, the City retained Kornberg Urbanists + Architects to provide a peer review of the County’s proposed changes; and

WHEREAS, between October and December 2025, City Staff held a series of tabling sessions, created a City ADU webpage, as well as an online survey to collect public feedback, and tailored potential ADU zoning text amendments to align with the preferences expressed by the community; and

WHEREAS, the Planning Commission is fully in support of the proposed zoning text changes, as proposed to be amended herein, to provide flexibility regarding living arrangements to make the City more resilient and livable for the modern age; and

WHEREAS, the Planning Commission further recommends that pursuant to Section 1119.05, City Council schedules a public hearing on the Ordinance as soon as possible.

NOW, THEREFORE, be it

RESOLVED, that the City of Cleveland Heights Planning Commission agrees with Ordinance No. 142-2026, as proposed to be amended; and be it further

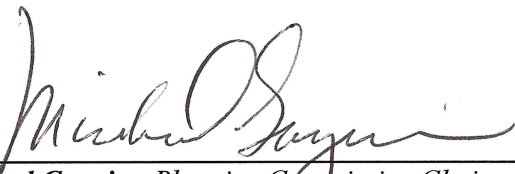
RESOLVED, that the City of Cleveland Heights Planning Commission recommends that City Council schedules a public hearing on Ordinance No. 142-2026, as proposed to be amended; and be it further

RESOLVED, that the City of Cleveland Heights Planning Commission recommends that City Council consider approval of Ordinance No. 142-2026, as proposed to be amended; and be it finally

RESOLVED, that this resolution be signed by the Chairperson and shared with the City Council for their consideration.

On a motion of Commissioner Keri, Seconded by Commissioner Surratt, this resolution was approved by the following vote:

AYES:	<u>6</u>
NAYES:	<u> </u>
ABSTAINED:	<u> </u>
ABSENT:	<u>1</u>



Michael Gaynier, Planning Commission Chair

7-29-26
Date

**RESOLUTION: ATTACHMENT A
CITY OF CLEVELAND HEIGHTS PLANNING COMMISSION**

**CITY COUNCIL REFERRAL OF ORDINANCE NO. 142-2026, ACCESSORY DWELLING UNITS
ZONING TEXT AMENDMENTS**

JULY 29, 2026

Proj. No. 26-07 Proposed Zoning Code Amendments, review and recommendation of proposed code updates regarding Accessory Dwelling Units (ADUs) in residential districts to City Council Code Chapters 1111, 1115, & 1119.

Approved, 6-0, the adoption of the resolution and recommendation that City Council approve proposed zoning code amendments permitting ADUs in residential districts, with the following revisions:

- (1) Adjust language to clarify the maximum permitted square footage for properties that are exactly 6,000 square feet in area, allowing a maximum of 1,000 square feet for lots 6,000 square feet and greater in area.
- (2) Add clause addressing deed restrictions: *"Consistent with Section 1101.03(b) of the Codified Ordinances of Cleveland Heights, an ADU shall not be constructed in violation of any applicable private deed restriction, restrictive covenant, or homeowners' association rule. The property owner is solely responsible for determining whether any such restrictions apply and for ensuring compliance with them. Nothing in this provision obligates the City to identify, interpret, or enforce any private deed restriction, restrictive covenant, or homeowners' association rule."*
- (3) Adjust language to remove setback and Conditional Use Permit requirements for pre-existing legal non-conforming accessory buildings being converted to ADUs.

CITY OF CLEVELAND HEIGHTS
MEMORANDUM

TO: Members of Cleveland Heights City Council
FROM: Council Member Jessica Cohen
DATE: August 20, 2026
RE: Proposed Ordinance No. ____-2026 — Amending Codified Ordinances Section 1111.06 to Grant the Planning Commission Review Authority Over Substantial Changes to Park Districts, and Enacting Section 1115.14

I. Purpose

I am introducing the attached draft ordinance to close a gap in our zoning code that currently allows substantial, physical changes to Cleveland Heights' Park Districts to proceed without Planning Commission review, without notice to adjacent residents, and without any structured opportunity for public comment. The ordinance amends Codified Ordinances Section 1111.06(b)(5) and enacts a new Section 1115.14 to give the Planning Commission the authority to review and recommend to Council approval, approval with modifications, or disapproval of substantial changes to a Park District, following the same notice and hearing procedures Cleveland Heights already applies to conditional use permits. I ask my colleagues to co-sponsor this legislation and to refer it to the Planning and Development Committee for further consideration.

II. Background

This proposal has its origin in my ten years of service on the Cleveland Heights Planning Commission, including six years as Chair, and in a specific episode that the Commission discussed informally as staff-reported new business: the addition of an ADA-accessible switchback ramp and tiered steps (“stramp”) at the western side of Cain Park. When that project was originally presented to the Planning Commission, it was accompanied by proposed modifications to the sledding hill on the park's northwestern corner. The design was later revised for purported feasibility reasons, and as a result, numerous mature trees were removed from the southwestern corner of Cain Park — a change I learned of only by driving past the park, not through any notice provided to the Planning Commission or to the public.

The revised design was shared with Council at the November 4, 2024 Committee of the Whole meeting, in a brief presentation consisting of a single slide. There was no requirement that the redesign be brought back to the Planning Commission for review, no requirement of notice to adjacent residents, no required public comment period, and no conditions attached to Council's acceptance of the change. This stands in sharp contrast to the process this City already requires for a conditional use permit under Section 1111.06(b)(1), which entitles the Planning Commission to review and approve or disapprove the application, and which guarantees public notice, a defined resident notification radius, a public comment period, and an opportunity for Commission members to question the applicant directly.

I raised this concern with the prior Council in a letter dated July 2025, asking that the law department help amend Section 1111.06 to extend to Park District changes the same order of review the Commission

already exercises over conditional uses. Now elected to office, I am able to introduce this ordinance, which is one of my legislative priorities.

This draft has been reviewed and substantially improved through iterations with the Planning Department. The Law Department has been provided earlier drafts by the Planning Department and has received this draft in advance as well. As part of my research for this legislation, I will note that Lakewood has a similar authority vested in its Planning Commission. Lakewood's park area is comparable to Cleveland Heights' at 150 acres.

III. The Gap in Current Law

Under the current code, the Planning Commission's authority over park changes is limited to "review" under Section 1111.06(b)(5): "To review any substantial changes to public parks." That language creates no approval authority, no defined standards for what qualifies as a "substantial change," and no required procedure. In practice, once Council has approved a budget that funds a park project, the administration may modify the design of that project at any time, so long as it remains within the budgeted amount, without returning to Council, without Planning Commission review, and without any notice to residents. Council's oversight is therefore limited to a single budgetary approval at the outset of a project; it does not extend to the design decisions made afterward, however substantial those decisions may be for the character of a park or the experience of the neighbors who live beside it.

IV. What the Ordinance Does

Section 1 amends Section 1111.06(b)(5) to replace the Commission's existing "review" authority over "public parks" with authority to review and recommend to Council approval, approval with modifications, or disapproval of a "substantial change" to a Park District. The ordinance defines "substantial change" to include four categories of modification:

- The construction of new permanent buildings or the demolition of existing permanent buildings;
- Significant alterations to the topography or natural landscape;
- Changes to the primary use, or the introduction of a new use, of a Park District; and
- Any modification that significantly alters the established design of a Park District.

Section 2 enacts a new Section 1115.14, which does two things. First, it applies the same procedural requirements already established for conditional use permits under Sections 1115.08 and 1115.09 — public notice, resident notification radii, and public hearings — to any application for a substantial change to a Park District. Second, it establishes four review criteria for the Commission's recommendation: consistency with the City's established plans and physical development goals; the extent to which a proposal develops previously undeveloped parkland; compatibility with the surrounding neighborhood and existing park facilities; and whether the change maintains or enhances safe public access. Section 3 repeals the existing text of Section 1111.06(b)(5) that this ordinance replaces, and Section 4 sets the ordinance's effective date.

As drafted, the Planning Commission's role is to review a proposed substantial change and recommend a course of action to Council; final legislative authority over the change remains with this body. The

ordinance adds a structured, public-facing review step ahead of Council's decision — it does not relocate Council's decision-making authority to the Commission.

V. Why This Ordinance Is Narrowly Tailored

I have drafted this legislation deliberately to address the specific gap described above, and no further. Four features of the ordinance reflect that intent:

- Limited to Park Districts. The ordinance applies only to the six Park Districts identified on the City's zoning map — Cumberland Park, Denison Park, Barbara Boyd Park, Cain Park, Forest Hill Park, and the Shaker Lakes — out of the roughly 135 acres of parkland the City maintains. It does not reach other municipal property, right-of-way, or green space that falls outside a Park District zoning designation.
- Limited to substantial changes. The ordinance defines “substantial change” using four specific, objective triggers — new construction or demolition, significant topographic alteration, a change in primary or introduced use, or a significant alteration to established design. Routine maintenance, repair, and like-kind replacement fall outside these categories and will continue to be handled by the Department of Parks and Recreation without added process.
- Built on an existing, familiar procedure. Rather than creating a new review process, Section 1115.14 incorporates the notice, notification radius, and hearing procedures the City already applies to conditional use permits. Applicants, staff, and residents are already familiar with this process, which limits the administrative burden of implementation.
- Recommendation, not final approval. The Commission's authority under this ordinance is to recommend to Council, not to approve or disapprove on its own. Council retains ultimate authority over funding Park District changes; this ordinance ensures that authority is exercised with the benefit of a public record and a Commission recommendation, rather than being exercised, as it functionally is today, only through a budget line that a project's design need not track.

VI. Closing the Budgetary Oversight Gap

It bears emphasis that Council's current oversight of park projects is budgetary, not substantive: once a budget is approved, the administration may alter the design of a funded project at will, provided the project remains within its approved appropriation. That structure leaves no mechanism for Council, the Planning Commission, or the public to weigh in on a design change of the kind that occurred at Cain Park, however significant its effect on mature tree canopy, park topography, or neighborhood character. This ordinance does not disturb Council's budgetary authority over park projects. It adds an independent, design-focused review requirement so that a substantial change to a Park District receives public notice and Commission review regardless of whether it also happens to require a budget amendment.

VII. Format of the Attached Draft

The attached draft ordinance is presented in redline against the current Codified Ordinances. New language is shown in blue text; language proposed for deletion is shown in red strikethrough text

VIII. Requested Action

I respectfully request that my colleagues review this draft ordinance be prepared to discuss the draft at the Committee of the Whole meeting to finalize it for introduction. Given the importance of our Park Districts to the character of our neighborhoods and to the City's long-standing commitment to green space and community engagement, I believe this modest, targeted amendment is a necessary and overdue improvement to our review process.

ORDINANCE NO. ____-2026

An Ordinance amending Section 1111.06 of the Codified Ordinances of the City of Cleveland Heights to grant the Planning Commission the authority to recommend approval, approval with modifications, or disapproval of substantial changes to a Park District and establishing review criteria therefor.

WHEREAS, the Park Districts of Cleveland Heights are vital municipal assets that significantly contribute to the physical development, aesthetic character, and quality of life for all residents; and

WHEREAS, under the current Administrative Code, the Department of Parks and Recreation is charged with the care, custody, and management of these properties, including the duty to maintain and improve public lands; and

WHEREAS, the Planning Commission is currently authorized to review substantial changes to public parks thereto, but lacks the definitive authority with regards to such modifications; and

WHEREAS, the Planning Commission currently has the power and duty to review and approve or disapprove an application for a conditional use for a particular zoning lot; and

WHEREAS, public parks are conditionally permitted uses in all zoning districts within the City; and

WHEREAS, such approval duty and power are currently limited to the use of a property within the City as a public park, but not any site-specific modifications; and

WHEREAS, City Council has recognized the need for a formal process through which the public can learn about and comment upon significant changes to Park Districts; and

WHEREAS, this Council determines that granting the Planning Commission the authority to recommend to Council approval, approval with modifications, or disapproval of substantial changes to a Park District will provide the opportunity for public assessment of the proposed plans and allow for public input.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio:

SECTION 1. That Section **1111.06(b)(5)** of the Codified Ordinances is hereby amended to read as follows:

"1111.06 POWERS AND DUTIES OF THE COMMISSION. ...

(b) In addition to the powers conferred by Charter, the Planning Commission shall have the following powers and duties: ...

(5) To review and recommend approval, approval with modifications, or disapproval of any substantial changes to public parks a Park District. For purposes of this subsection, a 'substantial change' shall include:

- A. The construction of new permanent buildings or the demolition of existing permanent buildings.
- B. Significant alterations to the topography or natural landscape.
- C. Changes to the primary use or introducing a new use to a Park District.
- D. Any modification that significantly alters the established design of a Park District.

SECTION 2. That a new Section, **1115.14**, be enacted to establish the procedural requirements and review criteria for the review and recommendation to Council of approval, approval with modifications, or disapproval of substantial changes to a Park District:

"1115.14 SUBSTANTIAL CHANGES TO PARK DISTRICTS; PROCEDURES AND REVIEW CRITERIA.

(a) **Procedures.** Any application for a substantial change to a Park District, as defined in Section 1111.06(b)(5), shall follow the same procedural requirements for public notice, resident notification radii, and public hearings as established for conditional use permits in Sections 1115.08 and 1115.09.

(b) **Review Criteria.** In determining whether to recommend approval, approval with modifications, or disapproval a proposed substantial change to a Park District, the Planning Commission shall consider the following criteria:

- (1) **Consistency with City Goals:** Whether the change is consistent with the established City plans in force at the time of application and the physical development of the City.
- (2) **Impact on Green Space:** The extent to which the proposal develops previously undeveloped parkland.
- (3) **Neighborhood Compatibility:** Whether the proposed change is functionally compatible with the surrounding neighborhood and existing park facilities.
- (4) **Public Safety:** Whether the modification maintains or enhances safe public access for all residents."

SECTION 3. That existing Section 1111.06(b)(5) as it existed prior to this amendment is hereby repealed.

SECTION 4. This Ordinance shall take effect and be in force at the earliest time permitted by law.