



Planning and Development Committee

October 16, 2023

5:00 PM

City Hall – Executive Conference Room

Community Development Block Grant (CAC), Economic Development, Community Development, Physical Planning, Public Construction, Zoning Code

Council members

Chair: Anthony Mattox, Jr. | Vice Chair: Craig Cobb | Member: Janine Boyd

Agenda

- 1) **Call to Order/Roll Call**
- 2) **Legislation Referred to Committee**
 - a. **ORDINANCE NO. 128-2023(PD): First Reading.** An Ordinance amending Chapter 110, *City Property Disposition*, of the Codified Ordinances of Cleveland Heights to permit transfer of tax-foreclosed and donated-in-lieu-of-foreclosure properties to the Cleveland Heights Community Improvement Corporation.
 - b. **ORDINANCE NO. 129-2023(PD): First Reading.** An Ordinance authorizing the Mayor to transfer title to specified City-owned properties to the Cleveland Heights Community Improvement Corporation.
 - c. **ORDINANCE NO 150-2023(PD): First Reading.** An Ordinance amending various sections of Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances to facilitate a permanent Shared Spaces Program within the City; and declaring the necessity that this legislation become immediately effective as an emergency measure.
- 3) **Update and discussion on P&D ARPA proposals/recommendations**
- 4) **Other**
- 5) **Adjourn**



CLEVELAND HEIGHTS



MEMORANDUM

To: Mayor Seren
CC: William Hanna, Law Director
From: Eric Zamft, Director of Planning & Development
Date: August 18, 2023
Subject: Legislation Related to the Cleveland Heights Community Improvement Corporation ("CIC")

Vacant and abandoned lots and buildings are a common feature of US cities, particularly post-industrial cities and cities located in the "Rust Belt". The City of Cleveland Heights is no stranger to this issue with currently over 300 City-owned lots, many of which are vacant. The City has utilized various approaches in the past to try to bring these vacant lots back to productive use, including recent infill housing attempts in the Caledonia and Desota areas of the City.

Chapter 110 (Property Disposition) of the Codified Ordinances of the City of Cleveland Heights Ohio was adopted in 2012 and provides the procedures for disposition of City property. Sections 110.01 and 110.06 deal specifically with City-owned real estate; Section 110.05 permits outdoor dining on public property; Sections 110.03 and 110.04 discuss additional disposition procedures.

There are a number of provisions in the Ohio Revised Code (ORC) that lay the groundwork for municipalities to deal with land. These include:

- ORC Chapter 1724 – Community Improvement Corporations
- ORC Chapter 5721 – Delinquent Lands
- ORC Chapter 5722 – Land Reutilization Program
- ORC Chapter 5723 – Forfeited Lands

The City's Community Improvement Corporation (CIC), was established by Council Ordinance No. 13-2019 in 2019 and updated by Council Ordinance No. 11-2022 in 2022. Ordinance No. 115-2019 designated the CHCIC as the agency of the City for industrial, commercial, distribution and research development; approved an agreement with CHCIC, confirmed that the City's 2017 Master Plan was the CHCIC plan, and provided direction on the Board of Directors. More specifically, its powers include those powers set forth in Ohio Revised Code Section 1724.02. This includes the ability "[t]o purchase, receive, hold, manage, lease, lease-purchase, or otherwise acquire and to sell, convey, transfer, lease, sublease, or otherwise dispose of real and personal property..."

Earlier this year, the CIC adopted amended Articles of Incorporation and By-Laws, with the expressed goal being active in order to provide a more streamlined tool and process for infill

housing and development within the City. The CIC has met on a monthly basis to being to lay this groundwork.

Over the last year, staff from the Departments of Planning & Development, Parks & Properties, Law reviewed all of the City-owned property to determine their current status and to, ultimately, recommend outcomes for the lots that are currently not used for a civic purpose.

In order to enable the CIC to begin to be the vehicle for a streamlined infill and development process, two (2) pieces of legislation are proposed:

- Amendments to Chapter 110, to create a process by which City land can be directly disposed of to the CIC
- Transferring City-owned properties determined to be appropriate for infill housing or as side lots to the CIC – the legislation contains a listing of these properties; they are also publicly available to view here:
<https://clevelandheights.maps.arcgis.com/apps/webappviewer/index.html?id=759972d358b74114a8073755cbd7f1a1>

The two (2) pieces of legislation provide a kick-start for the CIC to begin to fulfill its mission.

Proposed: 8/21/2023

ORDINANCE NO. 128-2023(PD),
First Reading

By Mayor Seren

An Ordinance amending Chapter 110, *City Property Disposition*, of the Codified Ordinances of Cleveland Heights to permit transfer of tax-foreclosed and donated-in-lieu-of-foreclosure properties to the Cleveland Heights Community Improvement Corporation.

WHEREAS, the City owns many abandoned and foreclosed properties; and

WHEREAS, last year the City commenced the re-activation of the Community Improvement Corporation ("CIC"), which was inactive during part of the pandemic, with the intent of furthering residential development in the City; and

WHEREAS, it would be in the best interest of the City and its residents to provide for a statutory simplified procedure by which the Mayor could transfer title to properties which have been received by the City after foreclosure or donated in lieu of foreclosure, subject to notice to City Council.

BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, State of Ohio, that:

SECTION 1. Chapter 110, *City Property Disposition*, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to adopt and enact a new Section 110.07 to read as follows:

110.07 DISPOSITION OF REAL PROPERTY TO COMMUNITY
IMPROVEMENT CORPORATION

The Mayor is hereby authorized to transfer title to real property acquired and received by the City pursuant to foreclosure or donation in lieu of foreclosure to the Cleveland Heights Community Improvement Corporation ("CIC") upon the following terms and conditions if the Mayor has determined that said lot is not needed for municipal purposes:

- (a) Within thirty (30) days after any transfer subject to this Section, the Mayor shall report the sale to the Council.
- (b) The Mayor and Director of Law may adopt rules, not inconsistent with this Section, for the implementation of this Section.

ORDINANCE NO. 128-2023(PD)

SECTION 2. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest time permitted by law.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor

Proposed: 8/21/2023

ORDINANCE NO.129-2023(PD),
First Reading

By Mayor Seren

An Ordinance authorizing the Mayor to transfer title to specified City-owned properties to the Cleveland Heights Community Improvement Corporation.

WHEREAS, the City has acquired many vacant and abandoned properties through the foreclosure process or by donation in lieu of foreclosure; and

WHEREAS, last year the City commenced the re-activation of the Community Improvement Corporation ("CIC"), which was inactive during part of the pandemic, with the intent of furthering residential development in the City; and

WHEREAS, it would be in the best interest of the City and its residents to transfer title to properties owned by the Cleveland Heights Land Reutilization Corporation or otherwise by the City to the Cleveland Heights Community Improvement Corporation (CIC").

BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, State of Ohio, that:

SECTION 1. The Mayor is authorized to sign deeds, upon forms approved by the Director of Law, and take all other steps necessary to transfer title to all of the real properties listed in Exhibit "A", a copy of which is attached hereto and incorporated herein, to the Cleveland Heights Community Improvement Corporation ("CIC"), which properties are hereby determined not to be needed for City purposes.

SECTION 2. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest time permitted by law.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor

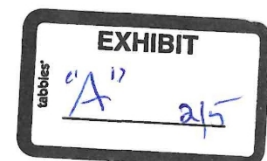
ORDINANCE NO.129-2023(PD)

EXHIBIT A

PPN	Infill/Side Lot	Street #	Street Name	Street Suffix	Zoning	Acreage
68101007	Infill	2057	HANOVER	DR	A	0.40
68102010	Infill	850	HELMSDALE	RD	A	0.22
68102025	Infill	907	CALEDONIA	AVE	A	0.25
68102091	Infill	868	ELOISE	DR	A	0.30
68104006	Infill	954	DRESDEN	RD	A	0.27
68104010	Infill	940	DRESDEN	RD	A	0.27
68104019	Infill	920	DRESDEN	RD	A	0.19
68104030	Infill	923	BRUNSWICK	RD	A	0.20
68104036	Infill	945	BRUNSWICK	RD	A	0.26
68104043	Side Lot		BRUNSWICK	RD	A	0.01
68104075	Infill	932	BRUNSWICK	RD	A	0.23
68105014	Infill	1019	CALEDONIA	AVE	A	0.30
68105041	Infill	1030	NELAVIEW	RD	A	0.24
68105070	Infill	1049	HELMSDALE	RD	A	0.33
68106031	Infill	889	HELMSDALE	RD	A	0.19
68106045	Infill	866	NELAVIEW	RD	A	0.20
68106063	Infill	851	NELAVIEW	RD	A	0.20
68106065	Infill	859	NELAVIEW	RD	A	0.20
68106104	Infill	869	GREYTON	RD	A	0.21
68106118	Infill	870	SELWYN	RD	A	0.15
68107035	Infill	924	SELWYN	RD	A	0.16
68107036	Infill	920	SELWYN	RD	A	0.16
68107053	Infill	949	WHITBY	RD	A	0.20
68107083	Infill	943	GREYTON	RD	A	0.19
68107084	Infill	945	GREYTON	RD	A	0.19
68107089	Infill	963	GREYTON	RD	A	0.21
68107091	Infill	971	GREYTON	RD	A	0.22
68107116	Infill	927	NELAVIEW	RD	A	0.20
68107117	Infill	931	NELAVIEW	RD	A	0.20
68107127	Infill	965	NELAVIEW	RD	A	0.20
68107137	Infill	950	NELAVIEW	RD	A	0.20
68107161	Infill	945	HELMSDALE	RD	A	0.20
68108008	Infill	1013	NELA VIEW	RD	A	0.20
68108023	Infill	1063	NELAVIEW	RD	A	0.24
68108065	Infill	1031	GREYTON	RD	A	0.75
68108105	Infill	1020	GREYTON	RD	A	0.20
68108106	Infill	1016	GREYTON	RD	A	0.20
68108107	Infill	1014	GREYTON	RD	A	0.20
68109109	Infill	3427	SPANGLER	RD	A	0.20
68109110	Infill	3423	SPANGLER	RD	A	0.20
68109114	Infill	3409	SPANGLER	RD	A	0.20
68110082	Infill	3366	HENDERSON	RD	A	0.21
68120025	Infill		MAYFIELD	RD	MF1	0.58
68125024	Infill*	3124	EASTWICK	RD	A	0.77
68134012	Infill	3506	MONTICELLO	BLVD	A	0.32
68134125	Infill	3580	MONTICELLO	BLVD	A	0.32

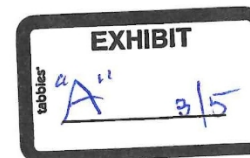


68136066	Infill	1083	PEMBROOK	RD	A	0.24
68136091	Infill	1075	ELBON	RD	A	0.21
68137012	Infill	990	WOODVIEW	RD	A	0.39
68137109	Infill	966	PEMBROOK	RD	A	0.26
68137123	Infill	997	PEMBROOK	RD	A	0.21
68137125	Infill	1005	PEMBROOK	RD	A	0.24
68137130	Infill	1029	PEMBROOK	RD	A	0.24
68137140	Infill	1020	RUSHLEIGH	RD	A	0.31
68137161	Side Lot		WOODVIEW	RD	A	0.01
68138041	Infill	907	ELBON	RD	A	0.21
68204061	Infill	3649	BRINKMORE	RD	A	0.35
68209050	Infill	846	LECONA	DR	A	0.20
68210016	Infill	3596	RANDOLPH	RD	A	0.17
68210035	Infill	875	LECONA	DR	A	0.20
68210036	Infill	879	LECONA	DR	A	0.20
68210039	Infill	891	LECONA	DR	A	0.20
68210082	Infill	892	CLARENCE	RD	A	0.20
68211007	Infill	3655	RANDOLPH	RD	A	0.26
68211008	Infill	3657	RANDOLPH	RD	A	0.22
68211014	Infill	3671	RANDOLPH	RD	A	0.22
68211016	Infill	3683	RANDOLPH	RD	A	0.33
68211021	Infill	3695	RANDOLPH	RD	A	0.22
68211027	Infill		RANDOLPH	DR	A	0.24
68211028	Infill					0.22
68211061	Infill	923	YELLOWSTONE	RD	A	0.21
68211066	Infill	903	YELLOWSTONE	RD	A	0.20
68211084	Infill	947	VINESHIRE	RD	A	0.24
68213063	Infill	982	OXFORD	RD	A	0.29
68217001	Infill	911	MONTFORD	RD	A	0.44
68218037	Infill	846	QUARRY	DR	A	0.26
68220021	Infill	1030	RENFIELD	DR	A	0.33
68222062	Infill	3872	MONTICELLO	BLVD	A	0.25
68223027	Infill	1103	HILLSTONE	RD	A	0.30
68223053	Infill	3986	DELMORE	RD	A	0.29
68223083	Infill	3997	BLUESTONE	RD	A	0.29
68228040	Infill	1227	CLEVELAND HEIGHTS	BLVD	A	0.29
68230068	Side Lot		ROANOKE	RD	A	0.21
68231031	Infill	1175	QUILLIAMS	RD	A	0.18
68231106	Infill	3822	DELMORE	RD	A	0.24
68231109	Infill	3812	DELMORE	RD	A	0.22
68231112	Infill	3800	DELMORE	RD	A	0.24
68231116	Infill	3784	DELMORE	RD	A	0.29
68233065	Infill	1137	YELLOWSTONE	RD	A	0.24
68234030	Side Lot		RUSHLEIGH	RD	A	0.03
68234051	Side Lot		MONTICELLO	BLVD	A	0.09
68234059	Infill	1125	YELLOWSTONE	RD	A	0.24
68235011	Infill	989	RUSHLEIGH	RD	A	0.25

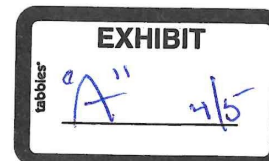


ORDINANCE NO.129-2023(PD)

68235028	Infill	2406	NOBLE	RD	MF2	0.38
68235031	Infill		NOBLE	RD	MF2	0.28
68235035	Infill	996	QUILLIAMS	RD	A	0.22
68235073	Side Lot	983	YELLOWSTONE	RD	MF2	0.34
68235079	Infill	980	YELLOWSTONE	RD	A	0.28
68306002	Infill	3865	MAYFIELD	RD	A	0.22
68310030	Infill	1680	MAPLE	RD	A	0.25
68318048	Infill	3599	ANTISDALE	RD	A	0.27
68318111	Side Lot		HARVEY & STAUNTON		A	0.08
68318112	Side Lot		HARVEY & STAUNTON		A	0.10
68319027	Infill		ANTISDALE & REVERE		A	0.32
68323022	Infill	3629	GROSVENOR	RD	A	0.18
68324032	Infill	2037	STAUNTON	RD	A	0.23
68324055	Infill	3643	GROSVENOR	RD	A	0.18
68401003	Infill	1622	COVENTRY	RD	B	0.28
68401006	Infill	1632	COVENTRY	RD	B	0.25
68401007	Infill	1634	COVENTRY	RD	B	0.25
68401008	Infill	1640	COVENTRY	RD	B	0.25
68401026	Infill	1720	COVENTRY	RD	B	0.34
68401027	Infill	1724	COVENTRY	RD	B	0.36
68401037	Infill	1697	COVENTRY	RD	B	0.23
68401039	Infill	1691	COVENTRY	RD	B	0.22
68401047	Infill	1661	COVENTRY	RD	B	0.23
68401048	Infill	1655	COVENTRY	RD	B	0.23
68401060	Infill	2807	AVONDALE	AVE	B	0.22
68401069	Infill	1638	GLENMONT	RD	B	0.29
68401095	Infill	1681	GLENMONT	RD	B	0.26
68402001	Infill	2855	AVONDALE	AVE	B	0.28
68402045	Infill	1667	EDDINGTON	RD	B	0.23
68402055	Infill	1648	HILLCREST	RD	B	0.20
68409012	Side Lot		EUCLID HEIGHTS	BLVD	P	0.03
68410025	Infill	1770	LEE	RD	B	0.43
68410031	Infill	1748	LEE	RD	A	0.39
68411012	Infill	1840	LEE	RD	B	0.19
68411013	Infill	1836	LEE	RD	B	0.18
68422054	Infill	3123	EAST DERBYSHIRE	RD	B	0.31
68422081	Infill	3100	EAST DERBYSHIRE	RD	B	0.31
68424050	Infill	1841	LEE	RD	A	0.30
68424051	Infill	1837	LEE	RD	A	0.33
68425034	Infill	3227	REDWOOD	RD	A	0.26
68425059	Infill	14514	SUPERIOR	RD	A	0.25
68426067	Infill	3402	BERKELEY	RD	A	0.26
68428042	Infill		BEECHWOOD	AVE	A	0.31
68428092	Infill	3321	DESOTA	AVE	B	0.25
68428094	Infill	3317	DESOTA	AVE	B	0.20
68428099	Infill	3308	DESOTA	AVE	B	0.16
68428102	Infill	3320	DESOTA	AVE	B	0.18

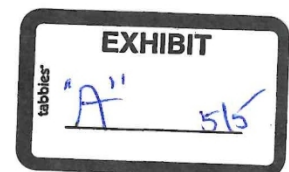


68428103	Infill	3324	DESOTA	AVE	B	0.23
68428104	Infill	3328	DESOTA	AVE	B	0.25
68428105	Infill	3332	DESOTA	AVE	B	0.23
68428109	Infill	3354	DESOTA	AVE	B	0.23
68429051	Infill	3396	DESOTA	AVE	B	0.29
68429056	Infill	3420	DESOTA	AVE	B	0.23
68429066	Infill	3427	DESOTA	AVE	B	0.18
68429067	Infill	3421	DESOTA	AVE	B	0.25
68429068	Infill	3417	DESOTA	AVE	B	0.25
68429069	Infill	3413	DESOTA	AVE	B	0.25
68429089	Infill	3432	ALTAMONT	AVE	B	0.23
68429092	Infill	3444	ALTAMONT	AVE	B	0.12
68429102	Infill	3411	ALTAMONT	AVE	B	0.22
68430008	Infill	3201	EUCLID HEIGHTS	BLVD	MF2	0.28
68430009	Infill	3205	EUCLID HEIGHTS	BLVD	MF2	0.25
68430040	Infill		LEE	RD	MF2	0.05
68431032	Infill	3294	DESOTA	AVE	B	0.16
68431034	Infill	3286	DESOTA	AVE	B	0.16
68431039	Infill	3266	DESOTA	AVE	B	0.21
68431073	Infill	3281	ALTAMONT	AVE	A	0.29
68432035	Infill	3211	SYCAMORE	RD	B	0.30
68432037	Infill	3223	SYCAMORE	RD	B	0.30
68432049	Infill	3190	WHITETHORN	RD	A	0.30
68432056	Infill	3160	WHITETHORN	RD	A	0.30
68433004	Infill	3228	SYCAMORE	RD	B	0.30
68433007	Infill	3212	SYCAMORE	RD	B	0.30
68433008	Infill	3206	SYCAMORE	RD	B	0.30
68433026	Infill	1689	LEE	RD	A	0.36
68433034	Infill	3171	OAK	RD	A	0.30
68433052	Infill	3247	OAK	RD	B	0.20
68433053	Infill	3249	OAK	RD	B	0.21
68433064	Infill	1687	COLONIAL	DR	B	0.19
68433072	Infill		IVYDALE	RD	B	0.17
68436028	Infill	1481	RYDALMOUNT	RD	A	0.38
68437031	Infill	1535	RYDALMOUNT	RD	A	0.38
68503003	Side Lot		OVERLOOK	RD	A	0.04
68609010	Infill	13074	CEDAR	RD	B	0.30
68701081	Infill	3250	EAST OVERLOOK	RD	A	0.28
68705024	Infill	2107	GOODNOR	RD	A	0.21
68705036	Infill	13367	CEDAR	RD	A	0.26
68706036	Infill	3285	KILDARE	RD	A	0.22
68707060	Infill	13358	CEDAR	RD	A	0.19
68707078	Infill	3377	KILDARE	RD	A	0.22
68707090	Side Lot	3425	KILDARE	RD	A	0.30
68707107	Infill	3364	KILDARE	RD	A	0.20
68710025	Infill	2260	TAYLOR	RD	A	0.20
68710093	Infill	3384	SILSBY	RD	A	0.20



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68710105 Infill	3421	SILSBY	RD	A	0.21
68715117 Infill	3520	SILSBY	RD	A	0.22
68715124 Infill	3452	SILSBY	RD	A	0.16
68718020 Infill	3417	EAST FAIRFAX	RD	A	0.39





MEMORANDUM

To: Mayor Seren
CC: William Hanna, Law Director
From: Eric Zamft, Director of Planning & Development
Date: August 18, 2023
Subject: Shared Spaces Program

The City prides itself on its many business districts. The City has for many years permitted outdoor dining—both on private property and within the public right-of-way—as a way to support the business community and enliven spaces for residents and visitors. However, beginning in March 2020, the COVID-19 pandemic forced us to re-examine places and spaces—how we interact with our neighbors and friends and how we work, live, and play.

On July 6, 2020, in response to the COVID-19 pandemic, Council, Resolution No. 83-2020, authorized a Temporary Expansion Area (“TEA”) Program for the creation or expansion of outdoor dining, entertainment and retail areas. In light of the COVID-19 guidelines and mandates imposed upon affected businesses through Orders issued by the Governor and State Department of Health, the TEA Program authorized business to use private property such as private parking lots, as well as City-owned property, streets and other public rights-of-way, to expand their facilities as a means to combat the financial loss to businesses whose operations were affected by said Orders. Resolution No. 83-2020 provided a sunset date of November 1, 2020 for the TEA Program. Due to the continuing negative impacts of the COVID-19 pandemic, by Resolution No. 131-2020, Council extended the TEA Program until December 31, 2021.

In 2020 and 2021, the City issued a number of TEA permits, including for a pilot “parklet” along Cedar Road as a tool to help businesses survive the COVID-19 health crisis. The pilot program was well-received. In 2022, a number of businesses inquired about the program, but, ultimately, were unable to complete the approval process. In 2023, the City of Cleveland Heights desires to create a permanent City-wide program (the “Shared Spaces Program”). Earlier this year, Council adopted Resolution 103.023, which authorized the Shared Spaces program to continue during 2023. In order to make the Shared Spaces Program permanent, the Codified Ordinances of the City of Cleveland Heights, including the Zoning Code, need to be amended.

The two (2) pieces of legislation codifies the Shared Spaces Program as a permanent program moving forward. Should Council desire to move forward with the legislation, the proposed Zoning changes must be referred to the Planning Commission, per Chapter 1119 of the Zoning Code.

Proposed: 09/18/2023

ORDINANCE NO. 150-2023(PD), *First Reading*

By Mayor Seren

An Ordinance amending various sections of Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances to facilitate a permanent Shared Spaces Program within the City; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights prides itself on its many business districts and has for many years permitted outdoor dining—both on private property and within the public right-of-way/on public property—as a way to support the business community and enliven spaces for residents and visitors; and

WHEREAS, beginning in March 2020, the COVID-19 pandemic forced all of us to re-examine places and spaces—how we interact with our neighbors and friends and how we work, live, and play; and

WHEREAS, on July 6, 2020, in response to the COVID-19 pandemic, Council, by way of Resolution No. 83-2020, authorized a Temporary Expansion Area (“TEA”) Program for the creation or expansion of outdoor dining, entertainment and retail areas; and

WHEREAS, in light of the COVID-19 guidelines and mandates imposed upon affected businesses through Orders issued by the Governor and Director of the Ohio Department of Health, the TEA Program authorized business to use private property such as private parking lots, as well as City-owned property, streets and other public rights-of-way, including on-street parking areas, sidewalks, and parklets to expand their facilities as a means to combat the financial loss to businesses whose operations were affected by said Orders; and

WHEREAS, the TEA Program was very well-received was therefore extended on several occasions in relation to the pandemic; and

WHEREAS, at the Mayor’s request, the City Administration developed a Shared Spaces Program and Manual in 2022-23 to guide the permitting and regulation of such facilities and spaces; and

WHEREAS, in 2023, Council adopted Resolution 103-2023 to authorize a Shared Spaces Program for the 2023 outdoor dining season through November 1, 2023, in accordance with the Shared Spaces Program and Manual, and now wishes to establish a permanent program (the “Shared Spaces Program”), necessitating amendments to the Codified Ordinances of the City of Cleveland Heights need to be amended; and

ORDINANCE NO. 150-2023(PD)

WHEREAS, those portions of the Zoning Code that are necessary to be amended are contained in Ordinance No. 127-2023 and are being reviewed per Chapter 1119 of the Zoning Code; and

WHEREAS, the portions of the Codified Ordinances that are not within the Zoning Code need to be amended as a separate legislation.

BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga,
State of Ohio, that:

SECTION 1. This Council hereby introduces amendments to Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances of the City of Cleveland Heights, as set forth in **Exhibit A** attached hereto.

SECTION 2. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for the introduction of the proposed zoning amendments to be effective at the earliest time possible so that said amendments can be timely considered and acted upon by the Planning Commission for the benefit of the City and its residents. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:
Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

Exhibit A to Ordinance XX-2023
PROPOSED CODE AMENDMENTS:
SHARED SPACES

September 18, 2023

**PART ONE – ADMINISTRATIVE CODE
TITLE ONE – GENERAL PROVISIONS**

**CHAPTER 110
City Property Disposition**

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110.05 OUTDOOR DINING ON PUBLIC PROPERTY.

The Mayor is hereby authorized to administratively approve requests for outdoor dining on sidewalks or other public right of way provided the following conditions are met:

(a) Such outdoor dining may only be conducted in conjunction with, and under the same management and exclusive control of, a restaurant located in a building contiguous to the public right of way upon which outdoor dining is proposed to be conducted.

(b) The outdoor dining shall not interfere with the flow of pedestrian traffic. At least five (5) feet of unobstructed sidewalk must be maintained, although more may be required in areas of high use.

(c) Outdoor dining shall be limited to no more than six tables and twenty-four chairs.

(d) No alcohol may be sold or consumed on the outdoor dining premises without the specific legislative authorization of this Council and the approval of the Ohio Department of Liquor Control.

(e) All agreements for outdoor dining shall be approved in writing by the Mayor, Director of Law, and Director of Planning and Development, and shall contain the following terms as well as others deemed necessary by the Mayor and Director of Law:

(1) The agreement shall set forth the hours of operation and the term of the agreement, which may be automatically renewable each season unless terminated by either party. A detailed description of the location of furniture and other improvements/objects shall be included.

(2) The agreement shall require the restaurant owner or other responsible party to keep the outdoor dining area clean and sanitary and to remove all tables and chairs each evening for storage.

(3) The agreement shall require the responsible party to indemnify and hold the City harmless from any liability or damages caused by the outdoor dining and to provide an insurance policy in an amount approved by the Director of Law with the City being named as an additional insured.

(4) The agreement shall provide that it may be terminated by the Mayor at any time without notice if he deems that the use is creating a nuisance or interfering with the use of the public right of way, or that the property is needed for municipal purposes.

(f) This section applies only to outdoor dining on public property, with outdoor dining on private property being governed by the provisions of the Zoning Code. Shared Spaces, whether on public or private property, shall be governed by the provisions set forth in the Shared Spaces Manual, as may be updated from time-to-time.

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PART THREE – TRAFFIC CODE

TITLE THREE – STREETS AND TRAFFIC CONTROL DEVICES

CHAPTER 311

Street Obstructions and Special Uses

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311.02 PARADES AND ASSEMBLAGES.

No person, group of persons or organization shall conduct or participate in any parade, procession or assemblage upon any street or highway, or block off any street or highway, park or any other public area, without first obtaining a permit from the Director of Public Safety, with the exception of Shared Spaces, which shall be governed by the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or cancelled if the resultant conditions would unreasonably hinder the movement of traffic or would require the diversion of sufficient police officers or firemen so as to deprive the Municipality of normal police and fire protection, or would be reasonably likely to provoke disorderly conduct, create a disturbance or threaten the safety of residents, by reason of the number of persons to participate in such parade, the nature or subject matter of the parade, the area in which the parade will proceed or be located, and all other relevant factors.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the places of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

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PART THREE – TRAFFIC CODE

TITLE SEVEN – PARKING

CHAPTER 351 Parking Generally

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351.04 MANNER OF PARALLEL PARKING.

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(b) (1) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(2) A. No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space. The temporary elimination of an angled parking space that is located on a state route necessary to create a Shared Space shall be permitted as part of the Shared Spaces Program.

B. Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

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351.11 OBSTRUCTING LANE ACCESS TO PUBLIC BUILDINGS.

No person shall park or stand any vehicle or place any other obstacle in any lane, alley, privately owned public parking lot, driveway or service area, in such a manner as to obstruct the free passage of public safety vehicles or any other vehicle passing through or over such area, except for Shared Spaces, which shall follow the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

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PART THREE – TRAFFIC CODE

TITLE NINE – PEDESTRIANS, BICYCLES AND MOTORCYCLES

CHAPTER 371

Pedestrians

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371.05 WALKING AND JOGGING ON ROADWAYS.

(a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in Sections 313.03 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.
(ORC 4511.50)

(e) When a sidewalk is available for the purpose of walking, but is not adequate for the purposes of jogging, running or other similar pedestrian activities, a person may jog, run or perform a similar pedestrian activity upon the travelled portion of a roadway, in accordance with the provisions of this section.

(f) A person using a roadway for the purpose of jogging, running or the performing of a similar pedestrian activity shall perform such activity as close as practicable under existing road conditions to the outside curb or the curblane of the roadway. Such person shall perform the activity only on the left side of the roadway.

(g) A person using a roadway for the purpose of jogging, running or other similar pedestrian activity, shall yield the right of way to vehicles lawfully operating thereon, and to vehicles and pedestrians having the right of way at street intersections.

(h) No person shall jog, run or perform similar pedestrian activities upon a street or highway during the period commencing one-half hour after sunset and concluding one-half hour before sunrise, unless such person shall wear reflective clothing and/or a reflective device sufficient to allow such person to be discernible at a distance of at least 500 feet to such person's front and rear.

(i) For the Shared Spaces Program, the above shall be superseded by the regulations contained in the Shared Spaces Manual, as may be updated from time-to-time.

PART FIVE – GENERAL OFFENSES CODE

CHAPTER 521

Health, Safety and Sanitation

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521.05 PLAYING GAMES IN STREETS.

(a) No person shall fly a kite or play any game on any street, lane or alley, except as part of a Shared Space. However, nothing in this section shall prohibit the Safety Director from designating certain streets or sections thereof for limited periods of time for playground purposes under proper supervision.

(b) Whoever violates this section is guilty of a minor misdemeanor.

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521.07 UNLAWFULLY USING OR OBSTRUCTING FIRE HYDRANTS.

(a) No person, unless authorized by the City, or except in case of fire, shall tamper with, turn on, or use water from any fire hydrant, valve box, stop cock, pipe, apparatus or other fixture for supplying water, or in any way to use water therefrom for private use.

(b) No person shall in any manner obstruct any fire hydrant by placing or permitting to exist any material, article or equipment in front thereof, from the curb line to the center of the street, or to within five feet from either side thereof. Shared Spaces shall follow the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

PART THIRTEEN – BUILDING CODE

TITLE THREE – LOCAL PROVISIONS

CHAPTER 1321

Fences

1321.01 PERMIT REQUIRED; FEE.

(a) No person shall construct any fence on a residential property without first obtaining a permit therefor from the Zoning Administrator and paying a fee of fifty dollars (\$50.00). No person shall construct any fence on a commercial property without first obtaining a permit therefor from the Zoning Administrator and paying a fee of eighty dollars (\$80.00).

(b) The permit fee shall be doubled in those cases where a person constructs or starts to construct a fence without first obtaining a permit.

(c) There shall be no fee for a fence in conjunction with a Shared Space.

1321.02 PLACEMENT; BARBED WIRE FENCES.

(a) Fences shall be constructed or erected in compliance with the provisions of the Zoning Code. For any fence as part of a Shared Space, the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time, shall apply.

(b) No person shall construct or erect any barbed wire fence except an industrial type whereby not more than three (3) strands of barbed wire may be placed on the top of a fence other than a barbed wire fence provided the strands are not less than seventy-two (72) inches above the ground and are canted or angled toward the property the fence surrounds.