



CLEVELAND HEIGHTS

Housing and Building Committee

October 14, 2024

5:00 PM

City Hall – Executive Conference Room

Building, Housing and Commercial Codes, Inspections and Enforcement
Council members

Chair: Jim Petras | Vice Chair: Gail Larson | Member: Anthony Mattox, Jr.

Agenda

- 1) **Call to Order/Roll Call**
- 2) **Tenant and Landlord Rights and Responsibilities**
- 3) **Racial Justice Task Force Recommendations**
- 4) **Review of Sections 1165.02 (c) and (d)**
Parking Nonpassenger Vehicles in a Residential District and Parking of
Recreation Vehicles in a Residential District.
 - a. Cleveland Heights Codified Ordinances - Sections 1165.02 (c) and (d)
- 5) **Update on short-term rental legislation**
- 6) **Update on enhanced inspections**
- 7) **Discussion of tenant relocation expenses**
- 8) **Other**
- 9) **Adjourn**

1165.02 SUPPLEMENTARY ACCESSORY USE REGULATIONS.

In addition to district regulations governing accessory uses, the following supplementary regulations set specific conditions for various accessory uses:

(a) Use of Accessory Building. No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced, and no accessory building shall be used unless the principal building on the lot is also being used. However, nothing shall prevent the use by a contractor during building construction of a temporary construction shed or road wagon for the storage of tools, material and equipment.

(b) Home Occupations Accessory to a Dwelling Unit in a Residential District. A home occupation may be conducted in a dwelling unit provided that the following standards are maintained:

(1) There is no display that will indicate from the exterior that the dwelling unit is being utilized in part for any purpose other than that of a residential dwelling;

(2) There is no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises. A home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art is permitted, provided it meets all other criteria of this section, and involves no direct sales of such works of art to consumers on a regular basis from the premises;

(3) There is no more than one (1) person employed or engaged in the furtherance of the home occupation who is not a member of the immediate family residing on the premises;

(4) There is no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located;

(5) There are and will be no exterior alterations made to the dwelling unit for the home occupation purposes which would change the appearance of the dwelling so as to indicate from the exterior that the building is used for any purpose other than that of a dwelling unit;

(6) There are no motor vehicles bringing clients or customers to the place of the home occupation other than for the periods from 9:00 a.m. to 5:00 p.m. on weekdays, and from 9:00 a.m. to 12:00 noon on Saturday. All such vehicles visiting the place of the home occupation shall be parked on private property;

(7) No home occupation shall be permitted in any portion of any dwelling unit where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons;

(8) The home occupation shall be conducted wholly within the dwelling unit and no aspect of the home occupation shall be conducted in any accessory building except as may be conditionally permitted according to Chapters 1151 and 1153 or in any detached or attached private parking garage.

(b.1) Occasional Sales Incident to Home Occupations. Notwithstanding the provisions of subsection (b) hereinabove, the Zoning Administrator may issue a permit for an "occasional sale" to an artist or other craftsperson engaged in art as a home occupation to authorize said artist to sell artwork out of the home on the following terms and conditions:

(1) A permit for an "occasional sale" shall not be issued more than three times a year for the same premises, and shall be for a period not to exceed three days.

(2) The sale may occur only between the hours of 9:00 a.m. and 7:00 p.m.

(3) No merchandise may be sold at the sale other than individual works of art. At least twenty-five percent (25%) of the artwork offered for sale must have been produced on the premises upon which the sale is occurring.

(4) Subject to the provisions of Section 1163.06(f), one (1) temporary sign is permitted to advertise the "occasional sale". An "occasional sale" sign shall be categorized as a "garage sale" sign pursuant to Section 1163.06(f)(1)C.

(5) No person shall participate in the conduct of the sale other than the artists whose work is being sold and residents of the premises upon which the sale is occurring. In no event shall there be more than five (5) persons engaged at any one (1) time in the conduct of the sale.

(6) In considering whether to grant an application for a permit for an "occasional sale" the Zoning Administrator shall consider the past history of sales on the same premises or by the same parties, the availability of off-street parking on the premises, the availability of on-street parking in the neighborhood, the density of the neighborhood, the number of customers the sale is expected to draw, and similar factors. Any party aggrieved by the decision of the Zoning Administrator to grant or deny a permit may appeal the Administrator's decision to the Board of Zoning Appeals.

(c) Parking Nonpassenger Vehicles in a Residential District. The placing, storing or parking of trucks and other such commercial vehicles, including pickup trucks, vans and panel trucks, on a lot or on a public street in a residential zone is prohibited. Exceptions to this prohibition are licensed passenger vehicles, or noncommercial motor vehicles; vehicles displaying license plates issued to a handicapped person and imprinted with the international wheelchair symbol; or vehicles displaying a valid parking card issued by the State of Ohio to handicapped persons and the following:

(1) Such vehicle may be so placed, parked and permitted to stand for a period during the delivery therefrom or the

pickup of articles or materials to be used or consumed on the related premises.

(2) When such vehicles are used in connection with constructing, altering, repairing, maintaining or cleaning a building on such lot when the described work is in process.

(3) One (1) single rear-axle four-wheel vehicle described as a pickup truck, van or panel truck, and not exceeding three-quarter (3/4) ton capacity or its equivalent gross weight, may be stored or parked in a private parking garage with the garage doors closed on a residential premises provided all of the following conditions are observed:

A. There are no offensive odors emitted from the truck.

B. There is stored within the confines of the truck only such items as hand tools, spare parts and small amounts of supplies and/or other items of personalty. In no event is such vehicle to be used as a warehouse for the storage of substantial goods, supplies or other materials.

C. There are no animals, fish or fowl stored in the truck.

D. There are no foodstuffs or other organic materials stored in the truck which would create a condition that would attract, harbor or contain vermin, insects or rodents.

E. The storing of the truck in a private parking garage shall not cause the displacement of a passenger vehicle or vehicles in such manner as to result in a violation of other provisions of this Zoning Code.

F. There are no health or safety hazards caused in permitting the garaging of a truck.

G. The use and garaging of a truck shall not result in a public nuisance which is offensive to neighboring property owners or residents by reason of excessive noise, late hours of truck use, intensity of activity or other such reasons.

H. The truck shall be maintained, at all times, in good mechanical condition and exterior appearance.

I. No maintenance and repair work on the truck shall be done on the property, except of an emergency nature.

J. No such vehicle shall be used in conjunction with any "home occupation" not authorized by the terms of this Zoning Code.

K. An annual permit which shall be affixed to the vehicle in plain view shall be obtained from the Zoning Administrator or designated agent for the authority to garage a truck as described in this subsection (c) and payment of the applicable fee shall be required.

(4) Subsection (c)(3) hereof shall not be applicable to vehicles licensed as noncommercial vehicles, or to vehicles not exceeding three-quarter (3/4) ton capacity or its equivalent in gross weight, that are used exclusively for purposes other than engaging in business for profit, bearing no commercial signage, and that display either license plates issued to a handicapped person and imprinted with the international wheelchair symbol, or a valid parking card issued by the State of Ohio to handicapped persons.

(d) Parking of Recreation Vehicles in a Residential District.The parking of recreation vehicles as an accessory use in a residential district is subject to the following:

(1) Except as otherwise provided in this section, boats, campers, trailers, and similar equipment owned and used by the occupants of the premises may be stored on such premises, provided such storage is not in the open but is in a private parking garage.

(2) Notwithstanding the provisions of subsection (d)(1) hereof, not more than one (1) open air parking space for a recreation vehicle used for recreational purposes by the occupants of the dwelling may be located in a rear yard provided that:

A. Such parking space shall be included in the accessory building area allowances otherwise prevailing for this site and shall not be in addition to such area allowance.

B. The recreation vehicle shall not have fixed connections to electricity, water, gas or sanitary sewer facilities and at no time shall the recreation vehicle be used for living or housekeeping purposes.

C. The recreational vehicle shall not be stored outside of a private parking garage unless adequate screening thereof has been established to the satisfaction of the Zoning Administrator. Adequate screening shall consist of building walls, fencing as permitted by this Zoning Code, or evergreen plantings in accordance with the Plantings List approved by the Planning Commission. In determining adequacy of screening, the Zoning Administrator shall consider the size of the lot in question, the proximity of buildings on adjacent property, the size of the recreational vehicle, the existing landscaping or screening on adjacent properties, and all other relevant considerations. At least five (5) days before the Zoning Administrator makes any determination as to the adequacy of the screening, he or she shall cause notices to be sent to the contiguous properties.

D. A recreation vehicle may be parked in a parking or driveway area anywhere on the premises for loading or unloading purposes for a period of not more than forty-eight (48) hours in any consecutive twenty-one (21) day period.

E. An annual permit shall be obtained from the Zoning Administrator or designated agent for the recreation vehicle open air parking space described in this section, and payment of the applicable fee shall be required. (Ord. 70-2021. Passed

11-1-21.)

(e) Access to Less Restrictive Uses. A private driveway or walk used for access to any use not permitted in the district shall in no case be permitted as an accessory use.

(f) Portable On-Demand Storage Structures. A portable on-demand storage structure may be utilized as a temporary structure when in compliance with the following standards:

- (1) A portable on-demand storage structure may be located as a temporary structure on property for a period not exceeding ten (10) days in duration from the time of delivery to the time of removal;
- (2) No more than two (2) portable on-demand storage structures may be located on any premises at any one (1) time;
- (3) Portable on-demand storage structures shall not be located on any premises for more than ten (10) days during any given thirty (30) day calendar period and not more than three (3) times in any given twelve (12) month period;
- (4) Portable on-demand storage structures shall be located only on a driveway or other private parking area and shall not be located in a front yard or corner-side yard unless there is no access to other yards;
- (5) Portable on-demand storage structures shall be securely locked at all times other than during actual loading or unloading.

(g) Solar Panels.

(1) The installation and construction of a solar energy system is subject to the following development and design standards:

- A. A solar energy system may be building-mounted or ground-mounted.
- B. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.
- C. All power transmission lines from a ground-mounted solar energy system to any structure must be located underground.
- D. Advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials, is prohibited. The manufacturer and equipment information, warning signs or ownership information is allowed on any equipment of the solar energy system.
- E. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

(2) Building-Mounted Systems.

- A. A building-mounted system may be mounted on a principal building or accessory building in the following locations:
 1. When mounted on a roof:
 - a. On a flat roof, solar panels are permitted when set back eight (8) feet from the front façade of the building unless otherwise approved by the Architectural Board of Review.
 - b. For other roof forms, solar panels are permitted on the rear and side roof but must be set back six (6) feet behind ridge line unless otherwise approved by the Architectural Board of Review.
 - c. Solar panels on the front or corner side roof are permitted with approval from the Architectural Board of Review.
 2. When mounted on a façade:
 - a. Solar panels are permitted on side and rear building facades.
 - b. Solar panels on the front or corner side building facades are permitted with approval of the Architectural Board of Review.
- B. The solar panel system is limited to the maximum building height of the zoning district for the building type (principal or accessory structure) or a maximum height of five (5) feet, whichever is less. Height is measured from the roof surface, on which the system is mounted, to the highest edge of the system.
- C. Solar energy systems may project off a building facade as follows.
 1. May project up to four (4) feet from a facade.
 2. May project into a side or rear setback, but shall be no closer than five (5) feet to the side or rear property line.
- D. In the case of a flat roof, solar panels must be set back six (6) feet from any building wall.

(3) Ground Mounted Systems.

- A. A ground mounted system is permitted only in the rear yard and must be set back a minimum of five (5) feet from any lot line.
- B. A ground mounted system shall not exceed the maximum building height for accessory buildings.
- C. Single-family residential lots shall be permitted the larger of either one-hundred (100) square feet of panels or one (1) square foot of solar panels for every one hundred (100) square feet of lot.

(4) Solar Access Protection.

A. For the purpose of ensuring adequate access of solar energy collection devices to sunlight, any person may grant a solar access easement in accordance with Ohio Revised Code §5301.63 (Solar access easement requirements). Such easements must be in writing and subject to the same conveyance and recording requirements as other easements. Any instrument that grants a solar access easement must include all requirements required by Ohio law.

(h) Wind Turbines.

(1) General Requirements. Wind turbines are allowed as an accessory use in all zoning districts and are subject to the following standards:

- A. Administrative review and approval of a proposed wind turbine installation is required.
- B. Prior to installation of a wind turbine, the wind viability of a location must be tested and verified. A wind map of the location must be submitted with the proposed plan and a wind study conducted that shows the turbine placement and performance as a viable location.
- C. The sound levels of the wind turbine shall not exceed fifty-five (55) decibels (dBA) in residential districts and sixty (60) decibels (dBA) in all other districts, as measured at the site property line. This does not include sound levels during short-term events, such as severe wind storms and utility outages.
- D. Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker must be addressed either through siting or mitigation measures.
- E. Advertising, including signs, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials are prohibited. The manufacturer and equipment information, warning signs or ownership information is allowed on the wind turbine and equipment.
- F. A wind turbine connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
- G. The wind turbine must comply with all applicable Federal Aviation Administration (FAA) regulations and all state and local regulations.

(2) Building Mounted Wind Turbines. Wind turbines may be mounted on principal and accessory buildings, subject to the following:

- A. The maximum height of any wind turbine mounted on a detached accessory structure is fifteen (15) feet above the maximum permitted height for such structure. The maximum height of any wind turbine mounted upon a principal structure is ten (10) feet above the height limit of the applicable zoning district.
- B. The maximum height is calculated as the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower.
- C. No portion of exposed turbine blades may be within twenty (20) feet of the ground. Unexposed turbine blades may be within ten (10) feet of the ground. Blades and tail vane must be a minimum of ten (10) feet from utility lines in all wind directions.

(3) Ground-Mounted Systems.

- A. The maximum height of any ground-mounted wind turbine (a tower) is the height limit of the applicable zoning district. Additional height may be granted as a special use if the tower needs additional height to exceed the tree canopy.
- B. The maximum height of any ground-mounted wind energy system is measured from grade to the length of a prop at maximum vertical rotation.
- C. No portion of exposed turbine blades may be within twenty (20) feet of the ground. Unexposed turbine blades may be within ten (10) feet of the ground. Blades and tail vane must be a minimum of ten (10) feet from utility lines in all wind directions.
- D. Ground-mounted wind turbines may be located in the rear yard only. A ground-mounted tower must be set back from all lot lines equal to one-hundred ten percent (110%) of the height of the tower. Additional equipment outside of the tower, including guy wire anchors, must be ten (10) feet from any lot line.
- E. To reduce the visual impacts of a tower, the following standards must be met:

1. The applicant must demonstrate that the wind turbine's visual impact will be minimized for surrounding neighbors and the community. This may include, but is not limited to, siting, wind generator design or appearance, buffering, and screening of ground-mounted electrical and control equipment.

2. The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

3. Artificially lighting is prohibited unless such lighting is required by the Federal Aviation Administration (FAA).

4. All electrical wires associated with a ground-mounted wind turbine, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.

(i) Shared Renewable Energy Systems. Abutting properties may share a solar, wind or geothermal energy system, including permission to install equipment along all properties, as a conditionally permitted use. Such systems are subject to the standards for each of the individual systems. This shared renewable energy system is only allowed if agreed to by the owners of each lot; the agreement is recorded as a shared renewable energy easement on each plat of survey, including provisions for all property owners to access all equipment to maintain the system; and a conditional use permit is obtained. The easement must be submitted to the City and filed with the County.

(Ord. 025-2023. Passed 6-5-23.)