

Proposed: 2/21/2023

ORDINANCE NO. 026-2023(PD), *First Reading*

By Mayor Seren

An Ordinance amending Part Thirteen, Building Code, of the Codified Ordinances of Cleveland Heights to update the City's regulations regarding rain barrels and gardens, and general changes to ensure consistency.

WHEREAS, during the course of 2022, the Planning Commission has discussed elements of the Zoning and Building Codes with staff from the Departments of Planning & Development and Law as a result of cases that have appeared before them; and

WHEREAS, at the October 26, 2022, November 9, 2022, and December 14, 2022 Planning Commission meetings, the Planning Commission discussed with staff areas of the Zoning and Building Codes that needed review or topics that are not reflected in the Zoning and Building Codes, including, but not limited to: re-examination of private parking garage regulations, sign regulations, places of worship, accessory dwelling units, short-term rentals, fences, front yards on partially built-up blocks, window transparency, sustainability, solar panels, sidewalk standards, non-conformities, public notice requirements, fees, diversity, equity, and inclusion, and general consistency within the Zoning Code; and

WHEREAS, based upon this review and discussion, the Planning Commission has identified and recommended the following areas for revision at this time: private parking garages, fences, window transparency, rain barrels and gardens, non-conformities, public notice requirements, fees, and general changes to ensure consistency; and

WHEREAS, such recommendations were transmitted to Council and presented by the Director of Planning & Development at Council's January 17, 2023 Committee of the Whole meeting; and

WHEREAS, regulations regarding rain barrels are in the Building Code and thus such changes do not need to be formally reviewed by Planning Commission.

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 Sections of Part Thirteen, Building Code, 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 shall take effect and be in force from and after the earliest time permitted by law.

ORDINANCE NO. 026-2023(PD)

MELODY JOY HART
President of the Council

Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

EXHIBIT B

PROPOSED BUILDING CODE TEXT AMENDMENTS

February 14, 2023

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 Building Commissioner 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 Building Commissioner 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.

CHAPTER 1341 (DEFINITIONS)

1341.2301 RAIN BARREL

“Rain Barrel” means a container used to collect and store rainwater runoff, typically from roof tops via rain gutters. Rain barrels are installed to make use of rainwater for later use, usually for watering gardens. A rain barrel shall be covered at all times.

1341.2302 RAIN GARDEN

“Rain Garden” means an area of land designed to capture storm water runoff from impervious areas such as roofs, driveways, walkways, parking lots, and compacted lawn areas, and allow it to infiltrate in to the water table.

CHAPTER 1351 (BASIC STANDARDS FOR RESIDENTIAL OCCUPANCY)

1351.25 MAINTENANCE OF ROOFS, GUTTERS, DOWNSPOUTS AND CHIMNEYS.

(a) All roofs of every dwelling structure shall be installed and maintained weathertight and shall be equipped with gutters and downspouts. Accessory buildings with less than 100 square feet of roofing area are not required to have gutters and downspouts. In cases of accessory buildings, if the roof area served by the specific downspout does not exceed 500 square feet, measured horizontally and if, in the opinion of the Building Commissioner, the drainage does not cause excessive erosion or water damage, or does not create a nuisance on public or private property, then downspouts need not be connected to the public storm sewer system. All roofs, gutters, downspouts and chimneys shall be maintained in a good state of repair.

(b) For purposes of this section, “weather-tight” and “in good repair” means that the roof, gutters and downspouts passed an inspection pursuant to subsection (d) hereof.

(c) All chimneys of every dwelling structure shall be maintained structurally sound and in good repair. For purposes of this section, “structurally sound and in good repair” means free of

deteriorated, loose or missing mortar and broken, missing or deteriorated bricks or other appropriate building materials, and that the seal to the home is weathertight.

- (d) For purposes of this section, “approved roofs, gutters, downspouts and chimneys” include, but are not limited to, the items contained in Appendix Schedule V of this Housing Code.
- (e) Any change in any of the systems named above of a dwelling or unit thereof may require that a permit be obtained from the Building Department, pursuant to the provisions of Section 1311.06 of the Building Code.
- (f) Downspouts shall either be connected to a public storm sewer or diverted into a rain barrel or rain garden.
 - (1) Rain barrels shall be covered at all times and incorporate a drainage system that directs any overflow into the public storm sewer or into a rain garden that can manage the flow of water on-site. Rain barrels are permitted in the rear, front, corner, and interior side yards. Rain barrels located in the front yard or corner side yard that are visible from the public street are subject to review and approval by the Architectural Board of Review.
 - (2) In-ground storm water management systems may include, but are not limited to, bioretention (rain gardens), infiltration trench (French drain), or pervious pavement. (3)
The overflow must be directed away from the dwelling’s or building’s foundation; must not cause excessive erosion or water damage; and must not divert water onto the adjacent properties or public right of way.
 - (4) All rain gardens or rain barrels shall be designed and installed per current best practice recommendations by the Ohio Environmental Protection Agency (Ohio EPA) and the Cuyahoga Soil and Water Conservation District (Cuyahoga SWCD).

**RESOLUTION
CITY OF CLEVELAND HEIGHTS PLANNING COMMISSION**

ANNUAL CODE REVIEW

December 14, 2022

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

WHEREAS, pursuant to Section 1119.08 of the Codified Ordinances of the City of Cleveland Heights, the Planning Commission is required annually to review the Zoning Code and make recommendations to Council; and

WHEREAS, during the course of 2022, the Planning Commission has discussed elements of the Zoning and Building Codes with staff from the Departments of Planning & Development and Law as a result of cases that have appeared before them; and

WHEREAS, at the October 26, 2022, November 9, 2022, and December 14, 2022 Planning Commission meetings, the Planning Commission discussed with staff areas of the Zoning and Building Codes that needed review or topics that are not reflected in the Zoning and Building Codes, including, but not limited to: re-examining private parking garage regulations, sign regulations, places of worship, accessory dwelling units, short-term rentals, fences, front yards on partially built-up blocks, window transparency, sustainability, solar panels, sidewalk standards, non-conformities, public notice requirements, fees, diversity, equity, and inclusion, and general consistency within the Zoning Code; and

WHEREAS, based upon this review and discussion, the Planning Commission has identified and recommends the following areas for revision at this time: private parking garages, fences, window transparency, rain barrels and gardens, non-conformities, public notice requirements, fees, and general changes to ensure consistency; and

WHEREAS, the Planning Commission acknowledges that many of the other areas that were discussed, including sign regulations, accessory dwelling units, short-term rentals, front yards on partially built-up blocks, sustainability, solar panels, sidewalk standards, and diversity, equity, and inclusion, require further review, technical expertise, or other input and should be addressed separately at a later date; and

WHEREAS, the Planning Commission recognizes that any zoning text amendments must follow the procedures put forth in Chapter 1119, including, but not limited to Council referral to the Planning Commission, Planning Commission review and recommendation, and Council public hearing; and

NOW, THEREFORE, be it

RESOLVED, that the City of Cleveland Heights Planning Commission has concluded its annual Code review for 2022, which has resulted in a number of recommendations to Council; and be it further

RESOLVED, that the Planning Commission offers the recommendations as follows:

1. General Proposed Zoning Text and Building Code Amendments, including, but not limited to private parking garages, fences, window transparency, rain barrels and gardens, non-conformities, public notice requirements, fees, and general changes to ensure consistency, attached hereto as Exhibits A and B; and be it further

RESOLVED, that this resolution be signed by the Chairperson and shared with the City Council; and be it finally

RESOLVED, that the Planning Commission recommends that Council consider this resolution and the suggested changes under Section 1119.01 at its January 17, 2023 meeting.

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

AYES:	<u>4</u>
NAYES:	<u>0</u>
ABSTAINED:	<u>0</u>
ABSENT:	<u>3</u>



Jessica Cohen, Chairperson

12/21/22
Date