

**DRAFT Proposed Zoning Text Amendments
Accessory Dwelling Units (ADUs)**

August 28, 2025

DRAFT

CHAPTER 1103

Definitions

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1103.03 DEFINITIONS OF GENERAL TERMS.

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(b) Certain general terms are hereby defined as follows:

(1) "Abutting" means having a common border with, or being separated from such a common border by a right of way, alley or easement.

(2) "Accessory building or structure" means an ancillary building, object, or structure constructed or installed on, above or below grade which is incidental to or customarily in connection with the principal building or use and which is detached from the principal building but located on the same lot with such principal building or use. It is further defined as square feet lacking livable amenities or space, and is not intended for habitation.~~a subordinate building which is incidental to or customarily in connection with the principal building or use and which is detached from the principal building but located on the same lot with such principal building or use.~~

(2.51) "Accessory parking space" means an open or enclosed area, accessible from a street, for parking motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use.

(2.2) "Accessory Dwelling Unit or ADU" means an attached, detached, or secondary residential living space located on the same lot as a principal single-family or two-family dwelling. It is further defined as a self-contained, finished, and heated structure or space accessed separately from the principal dwelling unit with its own kitchen, bathroom, and sleeping area(s) intended for human habitation as defined by the Ohio Residential Code, Ohio Building Code, and any other applicable state and local codes.

(3) "Accessory use or structure" means any permitted or conditional secondary use of a property that is ancillary to the primary use. It supports or complements the primary use but is not the main function of the property~~a use, object or structure constructed or installed on, above or below grade which is incidental to or customarily in connection with, or subordinate to, the principal building or use and is located on the same lot with such principal building or use.~~

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(34.1) "Dwelling, principal" means a main or primary residential building or structure on a lot or parcel of land, which is the primary place of residence for the occupants.

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(128) "Existing carriage house" means an ~~pre~~-existing, ~~nonconforming~~ accessory ~~residential~~ ~~dwelling unit~~structure used as either an Accessory Building or as an Accessory Dwelling Unit or combination thereof that was legally constructed or created prior to the adoption of this Zoning Code.

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CHAPTER 1121

AA and A Single-Family and B Two-Family Residential Districts

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1121.01 PURPOSE.

Cleveland Heights is a City primarily consisting of single-family residences, most of which are owner-occupied. Single-family residences are extremely sensitive to adverse effects from other land uses and require high standards for occupancy and use of the principal building as well as location and use of accessory buildings if these areas are to be maintained and to continue to be good places in which to live. In addition, certain parts of Cleveland Heights have been developed primarily with two-family residences having a similar character to the single-family districts, and it is appropriate that there be a zoning district for this distinctive use. Single-family and two-family district regulations are established to achieve the following particular objectives:

- (a) The AA Single-Family District is established to provide for single-family residential uses with a minimum lot size of 15,000 square feet, compatible with the existing larger lot developments in areas so defined, as a means of preserving the unique character of these areas.
- (b) The A Single-Family District is established to provide for single-family residential uses on smaller lots with a minimum of 7,500 square feet.
- (c) The B Two-Family District is established to permit single-family units on lots with a minimum of 7,500 square feet and two-family residential uses with a minimum lot size of 10,000 square feet.
- (d) To encourage as a conditional use flexible residential development to promote creative and efficient use of land through unified development.
- (e) To regulate the location and lot coverage of accessory uses, buildings and structures so as to permit such uses to be established and maintained in a manner which makes them compatible with the existing residential neighborhoods.
- (f) To encourage sustainable development and practices in residential neighborhoods that support a multi-generational lifelong community.
- (g) To permit Accessory Dwelling Units (ADUs) as subordinate living spaces on a lot where an existing home already exists as a means to support changing life circumstances, offset costs, be a tool for wealth building, and strengthen the city's housing stock with new housing options at more affordable price points.

1121.02 PERMITTED USES.

- (a) In the AA or A Single-Family Districts or B Two-Family District, land and structures shall be used or occupied, or structures shall be erected, constructed, enlarged, moved, or structurally altered only for a principal use specified, or a conditional use in accordance with Title Seven, or an accessory use to a permitted principal or conditional use as regulated herein. Sections 1121.03 through 1121.05 enumerate those uses that may locate be located in each AA, A and B District as a matter of right, either as a principal or accessory use, and those uses which that may locate be located in a given district only upon obtaining a conditional use permit.

(b) Although a use may be indicated as permitted or conditionally permitted in a particular district, it shall be approved on a parcel only when it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Code applicable to the specific use and parcel in question.

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1121.05 ACCESSORY USES.

Accessory buildings, structures, and uses, subject to the regulations in Section 1121.12 and as noted, are permitted in association with and subordinate to a permitted or conditionally permitted use in the AA and A Single-Family and B Two-Family Residential Districts and are limited to the following:

- (a) Private parking garages and related residential off-street parking, subject to the regulations of Chapter 1161;
- (b) Signs, subject to the regulations of Chapter 1163;
- (c) Home occupations in a dwelling unit, subject to the regulations of Section 1165.02(b);
- (d) Swimming pools and associated pool house;
- (e) Porches, decks, patios, and gazebos;
- (f) Storage shed, and other similar buildings for the storage of domestic supplies;
- (g) Fences;
- (h) Noncommercial greenhouse not to exceed twenty-five percent (25%) of ground floor area of the principal building;
- (i) Vegetable/edible and flower gardens;
- (j) Children's play equipment;
- (k) Gatehouse, guard house;
- (l) Parking of non-passenger vehicles, subject to the regulations of Section 1165.02(c);
- (m) Parking of recreational vehicles, subject to the regulations of Section 1165.02(d);
- (n) Portable on-demand storage structures, subject to the regulations of Section 1165.02(f);
- (o) Rain barrels and above-ground cisterns;
- (p) Laundry clotheslines;
- (q) Ornamental pool;
- (r) Compost bins, subject to the regulations of Section 1121.12(o); ~~and~~
- (s) Chicken coops or runs, subject to the regulations of Section 1153.05(gg-); ~~and~~
- (t) Accessory Dwelling Units, subject to the regulations of Section 1121.13.

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1121.09 PRINCIPAL DWELLING UNIT REQUIREMENTS.

In order to provide healthful living conditions and to preserve the character of the neighborhood, principal dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum floor areas of principal dwelling units.

- (a) Minimum Area of Principal Dwelling Unit. The minimum floor area of a principal dwelling unit shall not be less than specified below. For the purpose of determining the minimum floor area,

porches, steps, terraces, breezeways, attached parking garages, or other attached structures not intended for human occupancy shall be excluded.

<i>District</i>	<i>Type of Dwelling</i>	<i>Minimum Floor Area Per <u>Principal</u> Dwelling Unit (In Square Feet)</i>
AA	Single Family	2,000
A	Single Family	1,500
B	Single Family	1,500
B	Two Family	1,000

(b) Minimum Area of Accessory Dwelling Unit (ADU). See Section 1121.13(b)(1).

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1121.11 PRINCIPAL BUILDINGS PERMITTED ON A ZONING LOT.

There shall be not more than one (1) single-family or, where permitted, one (1) two-family principal dwelling located on a zoning lot, except as otherwise provided for in this Zoning Code, and both units of a two-family dwelling shall be within the same building.

1121.12 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in AA, A and B Districts shall conform to the location, coverage and maintenance standards contained in this section. Attached private parking garages are subject to all yard requirements for a principal building specified in Section 1121.08 and shall comply with the floor area regulations for private parking garages established in subsection (e) hereof.

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(c) Maximum Primary Front and Side Yard Lot Coverage. The maximum lot coverage shall not exceed sixty-percent (60%). Principal and accessory buildings, pools, and/or pavement contribute to lot coverage. Pervious pavers/materials shall count seventy-five percent (75%) towards any calculations set forth in this subsection. Accessory structures permitted in a primary front or side yard (as set forth in Schedule 1121.12(a), including buildings, structures, or pavement) shall cover no more of the primary front and side yard than set forth below:

(1) Maximum coverage of the primary front yard shall be thirty percent (30%), provided that the area of pavement for sidewalks and driveways shall not exceed the following:

- A. 2,000 square feet total area for a lot with seventy five (75) feet or less of street frontage.
- B. 3,000 square feet total area for a lot with more than seventy five (75) feet of street frontage.

(2) The maximum coverage of the secondary front yard shall be thirty percent (30%).

(3) Pervious pavers/materials shall count seventy-five percent (75%) towards any calculations set forth in this subsection.

(d) Maximum Area and Rear Yard Coverage of Accessory Uses. In no case shall an accessory use, building or structure exceed the maximum area set forth in Schedule 1121.12(b). The percent

~~of rear yard covered by accessory uses, buildings and structures (limited to those permitted in Sections 1121.05 and 1121.12) and the maximum floor area of such accessory use, building or structure, shall not be greater than as set forth in Section 1121.12(d). The area of building, structure or pavement shall be the maximum area of land on which, or above which, such building, structure or pavement is constructed. The percentage shall be the area of building, structure and/or pavement in ratio to the area of the rear yard. However, in no case shall an accessory use, building or structure exceed the maximum area set forth in Schedule 1121.12(d). Pervious pavers/materials shall count seventy five percent (75%) towards any calculations set forth in this subsection.~~

Schedule 1121.12(~~db~~)

~~MAXIMUM AREA AND REAR YARD COVERAGE~~

<i>Permitted Use, Building Structure</i>	<i>Maximum Area (in sq. ft.)</i>		
	<i>AA District</i>	<i>A District</i>	<i>B District</i>
(1) Accessory building	(d)	(d)	1,200(d)
(2) Accessory <u>building or</u> structures exceeding 3 feet in height (a) (gc)	2,000 (a)	2,000 (a)	2,0001,200
(3) Accessory structures not exceeding 3 feet in height, including pools, driveways, patios, and Pavement pavement related to parking, including driveway	2,0006,500	2,0004,000	2,0004,000
(4) Accessory structures not exceeding 3 feet in height, including sidewalks and patios (g)	6,500	4,000	4,000
(5) Total maximum rear yard coverage (e)	12,000	—	—

Notes to Schedule 1121.12(~~db~~):

(a) Nonconforming lots may be permitted to have up to forty percent (40%) rear yard coverage by accessory buildings subject to Zoning Administrator approval of landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring lots. Total rear yard coverage shall not exceed seventy percent (70%).
(b) Nonconforming lots may be permitted to have up to forty percent (40%) rear yard coverage by pavement or unenclosed parking subject to Zoning Administrator approval of landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring lots. Total rear yard coverage shall not exceed seventy percent (70%).

(c) Reserved.

(d) See also Section 1121.12(~~ef~~) for maximum floor area of a private parking garage.

(e) While each specific category (1-~~42~~) has a maximum size limitation, the total coverage of all accessory uses shall not exceed the area coverage limit for the rear yard in total (60%).

(f) ~~On a corner lot, a private parking garage may cover up to sixty percent (60%) of rear yard area. Total permitted rear yard coverage on a corner lot is eighty percent (80%) of rear yard area.~~

(g) For the purposes of maximum area and rear yard coverage, fences shall be excluded.

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(f) Maximum Number of Accessory Buildings. A maximum of two (2) detached accessory buildings shall be permitted on a zoning lot. Of the two (2) detached accessory buildings permitted on a lot, one (1) may be a detached Accessory Dwelling Unit (ADU). See Section 1121.13(a).

(g) Maximum Height of Accessory Buildings and Structures. A permitted accessory building shall not exceed twenty-four (24) feet in height or two (2) stories, except as otherwise regulated in this Code. A permitted accessory structure shall not exceed fifteen (15) feet in height, except as otherwise regulated in this Code.

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(j) Residential Use of Existing Carriage House. ~~In Any pre-existing carriage house in an AA or A District currently being used as an Accessory Dwelling Unit is deemed a legally conforming use by right, pursuant to Section 1121.05 and subject to the following provisions there shall be only one (1) dwelling unit on a lot except that an existing carriage house may continue as a nonconforming dwelling unit in compliance with the following:~~

- (1) ~~Any pre-existing residential carriage house structure that does not meet the supplemental requirements set forth in Section 1121.12(r) is deemed legally non-conforming and exempt from all standards and regulations thereto, except when an expansion or exterior alteration of the structure takes place pursuant to Section 1173.01(a) and (b) The carriage house shall have been occupied (regardless of the length of time), designed for, constructed for, or intended for residential occupancy and legally constructed or created prior to the adoption of this Zoning Code.~~
- (2) ~~Alterations to the carriage house shall be subject to the regulations of Sections 1173.01(a) and (b).~~
- (3) ~~For the purposes of this section, the occupants of the carriage house shall be considered as part of the family of the principal dwelling unit and shall comply with the family definition.~~

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1121.13 ACCESSORY DWELLING UNIT (ADU) REGULATIONS.

(a) Location and Placement.

- (1) ADUs shall only be permitted in the A, AA, and B zoning districts.
- (2) ADUs may be attached to or detached from the principal dwelling unit on the same lot.
- (3) Only one (1) ADU shall be permitted per lot.
- (4) ADUs shall only be permitted on lots where the principal building is a single-family or two-family home.
- (5) ADUs shall be located in rear and side yards only; ADUs located in front yards are strictly prohibited.

(b) Size, Height, and Yard Regulations.

- (1) The maximum square footage of an ADU shall be 1,000 square feet. Private parking garage area does not contribute to the maximum square footage.
- (2) ADUs shall not exceed the height of twenty-four (24) feet or two (2) stories.
- (3) Minimum yard distances for attached ADUs shall be the same as the principal dwelling.
- (4) Detached ADUs shall maintain three (3)-foot side and rear yard setbacks.
- (5) Detached ADUs on a corner lot shall be no closer to the secondary frontage than the principal dwelling, unless specifically permitted elsewhere in this Code.
- (6) Properties with a fully constructed ADU are permitted an additional 200 square feet of parking garage area in addition to the maximum floor area of private parking garages permitted in Section 1121.12(f). However, the area of all parking garage(s) shall not exceed 1,300 square feet.

(c) Design Standards.

- (1) ADUs shall be designed to maintain and/or complement the architectural style and character of the principal dwelling.
- (2) Exterior materials, roof pitch, and window proportions of the ADU shall be compatible with those of the principal dwelling.

(3) ADUs shall have exterior entrance door(s) separate from those of the principal dwelling and/or other units that should be clearly defined with complementary architectural features and styles.

(4) ADUs may incorporate solar panels in accordance with any other relevant regulations to achieve better energy efficiency.

(d) Use and Occupancy.

(1) Owner-Occupancy Requirement.

A. The property owner shall occupy either the principal dwelling or the ADU as their primary residence.

(2) Home Occupations

A. Home-based businesses may operate within an ADU subject to the regulations set forth in Sections 1165.02(b) & (b.1).

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CHAPTER 1161

Off-Street Parking and Loading Regulations

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1161.051 EXCEPTIONS TO REQUIRED ENCLOSED PRIVATE PARKING SPACES

Any application on a property for new construction of a principal building that will not be providing the requisite enclosed parking spaces as indicated in Schedule 1161.03 shall require review and approval by the Planning Commission based upon the regulations and criteria of this section. Properties with an existing principal residential building shall only require an administrative review and such approval shall be by the Zoning Administrator utilizing the regulations and criteria of this Section.

- (a) **Exceptions.** The required off-street parking spaces for single-family dwellings, two-family dwellings, and townhouses shall be enclosed in a detached or attached private parking garage, as indicated in Schedule 1161.03, unless one (1) or more of the following exceptions can be substantiated:
 - (i) The parcel is a legal, non-conforming lot that does not have the requisite size to accommodate a private parking garage.
 - (ii) Special conditions exist specific to the lot that are not applicable generally to other lots in the same Zoning District that render a Code-conforming private parking garage impractical.
 - (iii) If the previously existing private parking garage on the lot was a single-car garage for single-family dwelling.
 - (iv) If an existing private parking garage structure and associated remnant parking pavement are proposed to be removed and replaced with grass or landscaping, thereby increasing green or open space.
 - (v) If a substantial expansion or addition to the principal structure is proposed.
 - (vi) If the construction of an Accessory Dwelling Unit (ADU) is proposed.
- (b) **Landscape Plan Required.** Any application that will not be providing the requisite enclosed private parking spaces shall include a Landscape Plan that addresses stormwater management and minimizes adverse impact on neighboring properties, subject to Chapter 1166 of the Zoning Code.
- (c) All other provisions the Codified Ordinances relating to zoning, demolition construction, use and maintenance of residential buildings shall apply, including, but not limited to, impervious surface coverage, yard setbacks, parking pad dimensions, driveway dimensions, parking requirements, and utilization of driveways for parking.