



MEMORANDUM

To: City Council

cc: Susanna Niermann O'Neil, City Manager
William Hanna, Law Director

From: Eric Zamft, Planning Director

Date: June 2, 2021

Subject: Proposed Zoning Text Amendments to Part Eleven – Zoning Code of the Codified Ordinances of Cleveland Heights Regarding Private Parking Garages and Other Ancillary Changes

Consistency with the Comprehensive Plan:

The City's adopted March 20, 2017 Master Plan contains much discussion and analysis regarding transportation and parking. "Complete Transportation Network" is the second category listed under "Goals and Objectives". Goal B is to "Ensure Parking Accessibility, Availability, Technology, and Management are Conducive to Shopping, Living, or Opening a Business". Within Goal B are a number of Actions related to parking, including Action 5: "Lower Zoning Code Parking Requirements for Residential and Commercial Structures".

Background:

Local ordinances are "living and breathing" documents that can be amended from time-to-time in order to keep up with changes in the social and economic environments. The City has followed this practice by constantly and consistently reviewing its Codified Ordinances and – when appropriate and necessary – making changes to those Ordinances. This is particularly the case with Part Eleven – Zoning Code.

The City's Zoning Code is central to development, redevelopment, and investment within the City. Planning staff is looking at ways to improve the zoning approach, regulations, and process, with the intent of pursuing a comprehensive rezoning effort in the hopeful near future. That intent should not prevent, however, the City from addressing pressing zoning issues within the City's existing code.

Issues with zoning can be identified in a number of ways, but a clear indication that there is a zoning issue is when there are repeated requests for variances for the same type of project or improvement. Another clear indication is if other boards and commissions see repeated,

multiple applications for the same type of project or improvement, but sometimes struggle with the appropriate regulations or guidelines for such improvement. Finally, another indication is when staff receives repeated inquiries for a particular type of project or improvement, but lacks clear guidance on how to process such application.

These indicators are all present when it comes to inquiries and applications related to private parking garages within the City: 1) over the past few years, there have been many requests for variances at the Board of Zoning Appeals (“BZA”) related to garages; 2) the Architectural Review Board (“ABR”) sees many applications on its calendar related to garages, some of which require significant discussion due to limited guidelines for design; and 3) Planning staff repeatedly and often receives inquiries on how to proceed with particular improvements to garages and notes the frustrations of residents on the standards that are in place.

The current zoning regulations related to parking, especially for single- and two-family homes, are complicated, scattered throughout the Code, outdated, inflexible and not contextual or reflective of the size of a lot and its location within a neighborhood. Perhaps most importantly, the current regulations do not meet the universal objective to allow for the appropriate amount of off-street parking designed to complement residences and residential neighborhoods. The current regulations prevent investment and improvement to residents’ homes and the community, are in contradistinction to environmental sustainability practices, limits open space, and is not equitable for all residents of the community.

Staff has reviewed the City’s regulations and have compared those against neighboring municipalities, as well as other municipalities in Ohio and the United States for best practices. Based upon this review, in order to respond to the issues with the Zoning Code and implement the actions of the Master Plan, zoning text amendments that revise the parking regulations are necessary.

During Committee of the Whole on April 26, 2021, the Planning Director gave a short presentation highlighting the issues related to private parking garages and staff’s initial proposals for revisions, noting that it was a starting point for conversation and discussion and that there would and should be plenty of community and board/commission input on the ultimate final legislation. Council directed staff to move forward with a formal zoning text amendment.

Proposed Zoning Text Amendments:

Generally, the Proposed Zoning Text Amendments revise and clarify the zoning regulations related to parking, notably private parking garages to be more flexible, streamlined, and modern. At its core is eliminating the rather restrictive regulation that all off-street parking should be in an enclosed (detached) parking garage; opening it up to more flexible options.

More specifically, the Proposed Zoning Text Amendments would revise:

- Section 1103.03 (Definitions) to clarify terms

- Section 1109.06 (Powers and Duties of the Board of Zoning Appeals) to provide the BZA with the power to review and vary the regulations related to parking overall, not just garage doors
- Section 1121.04 (Conditionally Permitted Uses in the single- and two-family zoning districts) to clarify various parking typologies as conditionally permitted principal or accessory uses, utilizing the correct Code references
- Section 1121.05 (Accessory Uses in the single- and two-family zoning districts) to provide correct Code references and clarified language
- Section 1121.09 (Dwelling Unit Requirements in the single- and two-family zoning districts) to provide greater flexibility with regards to required parking
- Section 1121.12 (Accessory Use Regulations in the single- and two-family zoning districts) to 1) ensure that required setbacks, maximum area, and rear yard coverage for accessory uses are consistent with other changes made in the Code regarding attached and detached private parking garages and fences; 2) provide specific supplemental regulations for enclosed parking spaces, private parking garages, and accessory parking spaces; 3) ensure that the regulations related to fences are consistent with previously adopted Code changes; 4) provide flexibility in driveway design to accommodate appropriate parking; 5) ensure that parking pad requirements are consistent with other parts of the Code
- Sections 1123.04 (Conditionally Permitted Uses in the multi-family zoning districts) and 1123.05 (Accessory Uses in the multi-family zoning districts) to clarify parking as a principally conditionally permitted use and accessory use
- Section 1123.10 (Dwelling Unit Requirements in the multi-family zoning districts) to provide greater flexibility with regards to required parking
- Section 1123.12 (Accessory Use Regulations in the multi-family zoning districts) to 1) ensure that required setbacks for accessory uses are consistent with other changes made in the Code regarding attached and detached private parking garages and fences; 2) provide specific supplemental regulations for private parking garages; 3) ensure that the regulations related to trash receptacles contain the correct Code reference
- Sections 1131.02 (Principal and Conditionally Permitted Uses in the commercial zoning districts) and 1131.03 (Accessory Uses in the commercial zoning districts) to clarify parking as a principally conditionally permitted use and accessory use
- Section 1131.12 (Supplemental Regulations for Private Parking Garages and Parking Decks that are Principal Uses in the commercial zoning districts) to provide specific supplemental regulations for private parking garages
- Section 1153.03 (Specific Area, Width, and Yard Regulations for conditional uses) to clarify the area, width, and yard regulations for a parking deck or private parking garage that is a principal use
- Section 1161.03 (Number of Parking Spaces Required) to allow flexibility in the provision of required off-street parking spaces for residential uses
- Section 1161.105 (Single-Family and Two-Family Residential Driveways) to provide flexibility in driveway design and provide corrected Code references

- Section 1161.13 (Exceptions to Off-Street Parking Requirements in Major Commercial Districts) to provide flexibility in parking requirements in the City's commercial districts, especially for existing buildings

The following sections are proposed to be revised to ensure consistency throughout the Zoning Code: Sections 1131.08 (Accessory Use Regulations for commercial districts); 1153.05 (Supplemental Regulations for Specific Uses); 1161.08 (Parking of Junk Motor Vehicles); 1161.11 (Improvement and Maintenance Standards); 1165.02 (Supplementary Accessory Use Regulations); and 1167.01 (Specifically Prohibited Uses)

Process:

Chapter 1119 of the Zoning Code provides the regulations and process for amending the Zoning Code. What follows is a summary of the process.

1. Introduction of amending ordinance to Council (Section 1119.02)
2. Referral to Planning Commission for consideration and recommendation. The Commission shall be allowed a reasonable time, not less than thirty (30) days, nor more than sixty (60) days for its consideration and recommendations (Section 1119.03).
3. Planning Commission consideration and recommendation at regularly-scheduled meeting or special meeting or workshop – all open to the public to watch (Section 1119.04).
4. Public hearing by Council, including appropriate noticing (Section 1119.05).
5. Action by Council. After the public hearing Council shall either adopt or deny the recommendation of the Planning Commission (Section 1119.06).