



City of Cleveland

Zoning Code Update

Effective Date: November 3, 2010

AGRICULTURE IN RESIDENTIAL DISTRICTS

Section 337.02 One-Family Districts

In a One-Family District, the following buildings and uses and their accessory buildings and uses are permitted:

- (a) Dwelling houses, each occupied by not more than one family and not more than two roomers or boarders.
- (b) Playgrounds, parks.
- (c) The extension of existing cemeteries.
- (d) Railroad rights of way, not including switching, storage or freight yards or industrial sidings.

(e) Agricultural uses, subject to the regulations of Section 337.25 and Section 347.02.

(f) The following buildings and uses, if located not less than fifteen feet from any adjoining premises in a Residence District not used for a similar purpose:

- (1) Churches and other places of worship, but not including funeral chapels or mortuary chapels.
- (2) Telephone exchanges and static transformer stations, provided there is no public business office or any storage yard or storage building operated in connection therewith.
- (3) Bus turn-around and layover areas operated by a public transit agency provided that no buildings other than a passenger shelter and restroom are located at each site, and provided, further, that any layover space accommodates no more than two buses.

(g) The following buildings and uses, if approved by the Board of Zoning Appeals after public notice and public hearing, and if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood:

- (1) A temporary or permanent use of a building by a nonprofit organization for a dormitory, fraternity or sorority house, for the accommodation of those enrolled in or employed by an educational institution permitted in the District.
- (2) Fire stations, police stations.

(3) The following buildings and uses, if located not less than thirty feet from any adjoining premises in a Residence District not used for a similar purpose, and subject to the review and approval of the Board of Zoning Appeals as stated above;

A. Public libraries or museums, and public or private schools or colleges including accessory laboratories, provided such private schools or colleges are not conducted as a gainful business.

B. Recreation or community center buildings, parish houses and grounds for games and sports, except those of which a chief activity is one customarily carried on primarily for gain.

C. Day nurseries, kindergartens.

D. Hospitals, sanitariums, nursing, rest or convalescent homes, not primarily for contagious diseases nor for the care of drug or liquor patients, nor for the care of the insane or developmentally disabled.

E. Orphanages.

F. Homes for the aged or similar homes.

G. Charitable institutions not for correctional purposes.

(4) The following buildings and uses, if located not less than fifty feet from adjoining premises in a Residence District not used for a similar purpose, and subject to the review and approval of the Board of Zoning Appeals as stated above.

A. Municipal recreation buildings.

B. Municipal swimming pools.

(5) Crematories in existing cemeteries, provided they are not less than 300 feet from any boundary that abuts a Residence District, and subject to the review and approval of the Board of Zoning Appeals as stated above.

Section 337.23

Accessory Uses in Residence Districts

(a) *Permitted Accessory Uses.* The following accessory uses and buildings are permitted in a Residence District. Such permitted accessory buildings shall be located on the rear half of the lot, a minimum of eighteen inches from all property lines and at least ten feet from any main building on an adjoining lot in a Residence District. Accessory buildings shall not occupy more than forty percent (40%) of the area of the required rear yard and, in the case of a corner lot, shall be located back of any required setback or specific building line. For side street yard regulations consult Sections 357.05 to 357.07.

(1) Within a main building, the office of a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person residing in such main building and employing in the office not more than one nonresident office or laboratory assistant.

(2) Customary home occupation for gain carried on in the main building or in a rear building accessory thereto and requiring only customary home equipment; provided that no nonresident help is employed for that purpose, no trading in merchandise is carried on and no

personal physical service is performed and, in a Limited One-Family District or in a One-Family District, no sign or other outward evidence of the occupation is displayed on the premises.

(3) Agricultural uses, subject to the regulations of Section 337.25 and Section 347.02 regarding the keeping of farm animals.

(4) Private incinerators for the burning of refuse and garbage produced on the same premises, provided that the construction is such as to assure immediate and complete combustion and freedom from offensive smoke, ash, unburned particles and odors, and a permit therefor is granted by the Commissioner of Environment.

(5) Fences and walls, as regulated in Chapter 358.

(6) Garages and parking spaces for the occupants of the premises and, when the premises are used for other than residence purposes, for their employees, patrons and guests.

A. In a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed 650 square feet unless the lot area exceeds 4,800 square feet in which event the floor area may be increased in the ratio of one square foot for each twelve square feet of additional lot area.

B. In Multi-Family Districts, garages and parking spaces erected or established as accessory uses shall be subject to the restrictions specified in Sections 343.19 to 343.21 and Chapter 349.

(7) Garage Sale or other Residential Property Sales, as defined in Section 676B.01(a), as long as they conform to the provisions in Chapter 676B.

(8) Signs permitted in accordance with the requirements of Chapter 350.

(9) Any other accessory use customarily incident to a use authorized in a Residence District except that no use prohibited in a Local Retail Business District shall be permitted as an accessory use.

(b) *Accessory Building Erected Prior to Erection of Main Building.* An accessory building may be erected prior to the construction of the main building only if:

(1) The accessory building is erected on the rear half of the lot.

(2) The accessory building is so placed as not to prevent the practicable and conforming location of the main building.

(3) The main building is completed within two (2) years from the date of issuance of the permit for the accessory building.

Section 337.25 Agricultural Uses in Residential Districts

Agricultural uses in Residential Districts shall be subject to the following regulations and the regulations of Sections 347.02 and 205.02 regarding the keeping of farm animals.

(a) Permitted Accessory Structures. In addition to fences, as regulated in paragraph (b) of this section, a permitted agricultural use may be served by the following accessory structures: sheds, greenhouses, coops, cages, beehives, hoophouses, cold frames, barns, rain barrels, composting, farm stands as regulated in paragraph (d) of this section, and similar structures not exceeding fifteen (15) feet in height.

(b) Fences. Fences for agricultural uses shall be permitted in accordance with the regulations applicable to fences in Residential Districts, except that the following regulations shall apply where an agricultural use is the principal use in a Residential District.

(1) Front Yard and Other Street Yard. A fence located in a required front yard, side street yard or other street yard, shall not exceed four (4) feet in height and shall be either ornamental or black or dark green, vinyl-coated chain link.

(2) Other Locations. A fence located at or behind the setback line of a required front yard or other street yard shall not exceed six (6) feet in height and shall be either ornamental or chain link. Any open lot area between a fence and a street line shall be planted with grass or other vegetation.

(c) Setbacks for Structures. No permitted accessory structures to an agricultural use, other than fences and farm stands, shall be located in a required front yard or side street yard area line or within eighteen (18) inches of an interior side or rear lot line.

(d) Farm Stands and Sale of Produce. The sale of produce and the placement of farm stands shall be permitted only in accordance with the following regulations.

(1) Sale of Produce. Where such sales have been permitted by the Board of Zoning Appeals, agricultural products, plants, eggs and honey grown or produced on a property or within 1,000 feet of the subject property may be sold on the premises of an agricultural use in a Residential District if the agricultural use is the only use of the subject property or occupies at least seventy-five percent (75%) of the property or at least 4,000 square feet. In addition, foods prepared on site or off site may be sold if the principal ingredients are grown or produced on the subject property or within 1,000 feet of the subject property. No sales shall be made before 8 a.m. or after dusk. Food sales shall be licensed by the Cleveland Department of Public Health if such licensing is required in the City's Codified Ordinances.

(2) Farm Stands. Where a farm stand has been permitted by the Board of Zoning Appeals, any such farm stand located in a required front yard area in a One-Family or Two-Family District shall be removed from the front yard or stored inside a building on the premises during that time of the year when the garden or farm is not open for public use. Farm stands shall not occupy more than two percent (2%) of the subject property's land area and, in One-Family and Two-Family Districts, farm stands also shall not exceed 200 square feet in area on the subject property. A farm stand shall be set back at least eighteen (18) inches from any lot line.

(3) Board of Zoning Appeals Approval. No agricultural produce or related products may be sold from the property of an agricultural use and no farm stand for the sale of such products may be located on the property unless the Board of Zoning Appeals determines, after public notice and public hearing, that the farm stand and sales will meet a community need without adversely affecting the neighborhood. In making this determination, the Board shall consider, among others, the following factors:

A. the nature of nearby uses of land with respect to their sensitivity to the activity associated with farm stand sales,

B. the proximity of the farm stand to one-family and two-family houses,

- C. traffic volumes on the street on which the subject property is located,
- D. the availability of off-street or on-street parking to serve the farm stand use,
- E. the proximity of other farm stands serving the immediate area, and
- F. the maintenance of a substantially unobstructed view in the set back area which shall include a clear view through the farm stand above a height of three feet.

(e) Signs. Where an agricultural use is the principal use in a Residential District or occupies at least seventy-five percent (75%) of the property or at least 4,000 square feet, one sign shall be permitted on each street frontage identifying the agricultural use and listing hours of operations for market sales and contact information. Such sign shall not exceed four (4) square feet in area and, if freestanding, shall not exceed three (3) feet in height and shall be set back at least five (5) feet from all property lines unless the sign is placed on a permitted farm stand. No signs shall be permitted for an agricultural use that is an accessory use in a Residential District.

(f) Composting. Composting may be conducted on the premises of an agricultural use if limited to use on the subject property and if stored in a manner that controls odor, prevents infestation and minimizes run-off into waterways and onto adjacent properties.

(g) Maintenance. Any land devoted to agricultural use shall be well-maintained and shall be free of excessively tall weeds or grass. All accessory structures to an agricultural use shall also be well maintained.

(h) Building Permits. No Building Permit or Certificate of Occupancy shall be required for establishment of an agricultural use. A Building Permit shall be required for installation of a fence or for construction of a barn or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops, beehives or similar structures that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No farm stand shall be installed without issuance of a Building Permit. The application for such Permit shall include the name, address and phone number of the operator of the farm stand; the length, width and height of the farm stand; a description of the type of produce to be sold from the farm stand; and the name of the property owner. If the applicant is not the property owner, the applicant shall include with the Permit application a written statement from the property owner authorizing the applicant to install and operate the farm stand.

(i) Definitions. As used in this section:

(1) “farm stand” means a temporary structure used for display or sale of produce as described in division (d)(1) of this section and that meets the requirements of this section.

(2) “subject property” refers to a parcel of land or two or more adjacent parcels of land in agricultural use.