

**EXECUTIVE & FINANCE COMMITTEE MEETING
MONDAY, SEPTEMBER 26, 2011
6:30 PM**

CHAIRWOMAN HOLZHEIMER GAIL HAS CALLED AN EXECUTIVE & FINANCE COMMITTEE MEETING FOR **MONDAY, SEPTEMBER 26, 2011 AT 6:30 PM** IN THE EUCLID MUNICIPAL CENTER COUNCIL CHAMBER.

AGENDA

GENERAL FUND BUDGET UPDATE

IMMEDIATELY FOLLOWING

**EXECUTIVE & FINANCE COMMITTEE
CONCURRENTLY WITH
CITY GROWTH COMMITTEE**

CHAIRWOMAN HOLZHEIMER GAIL AND CHAIRMAN LANGMAN HAVE CALLED A JOINT MEETING OF EXECUTIVE & FINANCE COMMITTEE & CITY GROWTH COMMITTEE TO DISCUSS:

Ord. (311-11) An ordinance repealing current Section 1377.01 (e) of the Planning & Zoning Code of the Codified Ordinances for the City of Euclid and enacting a replacement section to alter the required conditions of home occupations. (Sponsored by Councilpersons Wojtila, Langman and Scarniench)

REGINA CAHILL
CLERK OF COUNCIL

COMMITTEE: ALL COUNCIL

Ordinance No.

By – Councilpersons Wojtila, Langman and Scarniench

An ordinance repealing current Section 1377.01 (e) of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid and enacting a replacement section to alter the required conditions of home occupations.

WHEREAS, the City of Euclid recognizes the right of Euclid citizens to conduct safe, orderly and appropriately located home occupations in residential districts; and

WHEREAS, the current code does not set forth clear and definitive requirements to be followed by owners conducting a home occupation; and

WHEREAS, it is desirable to adopt a comprehensive code governing home occupations.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 1377.01 (e) of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid is hereby repealed in its entirety.

Section 2: That new Section 1377.01(e) of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid is hereby enacted to read as follows:

1377.01 ACCESSORY USES IN RESIDENCE DISTRICTS.

(a) Accessory uses customarily incident to a Class U1, U2 or U3 use shall also be permitted in, respectively, a Class U1, U2 or U3 District, provided such accessory use is located upon the same lot with the building or use to which it is accessory. No such accessory building shall be less than three feet from the side yard line and no less than three feet from the rear yard line.

(b) In a U1 or U2 District a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2,000 square feet of the lot area, provided, however, that in a U1 or U2 Use District no garage or combination of garage and accessory sheds shall be erected to exceed 696 square feet in floor area by external dimensions except that on lots exceeding 5,000 square feet the permitted accessory building area may be increased by a ratio of one square foot for each 12 square feet of additional lot area. However, in no case shall permitted accessory storage structures exceed 720 square feet in area or cover more than forty percent (40%) of the required rear yard as regulated in Section 1383.02, Rear Yards in Residence Districts. In a Class U3 District a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 625 square feet of the lot area.

(c) A billboard, signboard or advertising sign shall in no case be permitted as an accessory use. The placing of a "for Sale," "For Rent," "Open" or "Open House" sign shall, however, be permitted as an accessory use, but in no event shall "Open" or "Open House" signs be permitted except between the hours of 9:00 a.m. and 5:00 p.m. on Saturday, and on Sunday between the hours of 10:00 a.m. and 4:00 p.m.

(d) In a Class U1 or U2 District a private driveway or walk used for access to a U4 or U5 use shall in no case be permitted as an accessory use.

~~(e) A store, trade or business shall not be permitted as an accessory use except that the office of a physician, surgeon, teacher, lawyer, dentist or musician may be located in the dwelling or apartment used by such physician, surgeon, teacher, lawyer, dentist or musician as his or her private residence, and except that any person carrying on a customary home occupation may do so in a dwelling or apartment used by him or her as his or her private residence, provided that no persons other than members of his or her own household are employed in such occupation and that no window display or signboard is used to advertise such occupation, and provided, further, that no teacher shall conduct a class in excess of three students in a dwelling or apartment used by him or her as his or her private residence.~~

(e) Home Occupations, as conditioned and restricted herein, are permitted as accessory uses within a dwelling or apartment in any residential zoning district. A Home Occupation shall not alter the residential

character or appearance of the dwelling, apartment or neighborhood in which it is located, and shall otherwise be subject to the following minimum requirements:

(1) The owner of every Home Occupation shall reside in the dwelling unit in which the business operates.

(2) Only one (1) employee in connection with the Home Occupation who is not a resident of the dwelling unit may be on the site at any one (1) time.

(3) All the activity of the Home Occupation shall be conducted within a completely enclosed dwelling unit with the exception of play areas for a home day care use. Use of a garage (detached or attached) or other building or structure accessory to the principal building on the zoning lot for any Home Occupation is expressly prohibited with the exception of vehicle storage not exceeding the conditions of Section 9 below.

(4) The Home Occupation shall not interfere with the delivery of utilities or other service to the area.

(5) The activity of the Home Occupation shall not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a residential zoning district.

(6) No toxic, explosive, flammable, radioactive, or otherwise hazardous materials, nor any scrap or waste materials whatsoever, shall be used, sold, or stored on the site. However, such materials common to ordinary household use are permitted.

(7) There shall be no advertising, signs, display, or other indications of a Home Occupation in the yard, on the exterior of the dwelling unit or visible from the exterior of the dwelling unit. This prohibition against signs and displays, as contained herein, restricts the contents to address and name only for signs otherwise permitted by tables 1390.06 (a) and (b) for dwellings within U-1 and U-2 use Districts.

(8) No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed with the exception of equipment for play areas of a home day care use.

(9) No more than one vehicle shall be used in connection with a Home Occupation. Further, the Home Occupation vehicle shall not require more than a passenger class driver's license or be a vehicle designed for carrying more than twelve (12) persons, or, those designed or used for living quarters, or, those vehicles which are designed for pulling or carrying property, freight, or cargo weight rated for a capacity greater than a ¾ ton truck or van. Vehicles used accessory to a Home Occupation must be stored in a garage with the door closed.

(10) Deliveries to the Home Occupation from commercial suppliers shall not restrict traffic circulation and must occur between 9:00 a.m. and 5:00 p.m. Monday through Friday. Deliveries shall not occur so frequently as to interfere with the quiet peace of a residential neighborhood.

(11) No more than two (2) vehicles may visit the Home Occupation at one (1) time, with the exception of vehicles involved in drop off or pick up from a home day care use.

(12) No visitors to the Home Occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 9:00 p.m. and 6:00 a.m.

(13) In home child care and day care shall be conducted in compliance with all provisions of Chapter 722 of the Euclid Codified Ordinances

(14) The following are prohibited as Home Occupations:

A. Large-scale manufacturing.

B. Large-scale assembly of manufactured products.

C. Warehousing.

D. Distribution in which storage exceeds 100 sq. ft. gross floor area.

E. Direct sales, rental or servicing of products with storage exceeding 100 sq. ft. of gross floor area.

F. Automotive repair and/or automotive sales lot.

G. In home daycare exceeding six (6) children or clients on the premises at any one time.

(15) More than one (1) Home Occupation may be permitted within an individual dwelling unit, provided all other standards and criteria applicable to Home Occupations are complied with. All criteria above shall be applied cumulatively to all home occupation uses within a dwelling unit as opposed to singularly to each use.

(f) Tool sheds and other similar outbuildings are permitted in Class U1, U2 and U3 Districts pursuant to the following regulations:

(1) No tool shed or any other similar outbuilding shall be erected without a building permit issued for such purpose.

(2) Only tool sheds or similar outbuildings sold commercially or constructed according to the plans approved by the Division of Buildings will be permitted.

(3) The maximum size of all storage buildings (sheds and garages), by external dimensions, in aggregate shall not exceed the maximum floor area for garages as calculated in 1377.01(b). The maximum height of a shed shall be ten (10) feet from grade.

(4) The foundation shall be of a concrete base, treated wood floor or patio stone floor with mortar, with final approval to be made by the Commissioner of Buildings of the City.

(5) The tool shed or similar outbuilding shall be a minimum of three feet from the side property lines and three feet from the rear property line.

(6) The tool shed or similar outbuilding shall be located on a lot that has a habitable house on it.

(g) Boathouses are permitted in Class U1, U2 or U3 Districts pursuant to the following regulations:

(1) A boathouse shall be allowed as an accessory building only upon the same lot with the building to which it is an accessory.

(2) The boathouse shall comply with the sideline requirements of Section 1383.01(c), as measured from any appurtenances, and be located on a lot that has a minimum width of forty feet at the water's edge. The building shall be in line with existing structures as approved by the Building Commissioner.

(3) A boathouse roof shall be no higher than the finished grade of the front yard or not to exceed ten feet from the finished floor, whichever is lower. The finished floor shall not exceed 579.5 feet above sea level. There shall be permitted a railing around the perimeter of the roof and this railing shall be open in design and shall be no higher than three feet.

(4) The construction of the footers and walls shall be of concrete or masonry. The exposed exterior walls shall match the brick of the home to which it is an accessory.

(5) The boathouse shall not be used for temporary or permanent living quarters.

(6) The exterior dimensions shall not exceed twenty-two feet in width and twenty- six feet in depth.

Section 3: Section 1377.01 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid be and the same is hereby amended.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor