

ORDINANCE NO.: 77-2010
INTRODUCED BY: O'Toole

AN ORDINANCE AMENDING SECTION 1135.02(h) OF THE PLANNING AND ZONING CODE OF THE CITY RELATED TO STANDARDS FOR HOME-CENTERED PROFESSIONS, OCCUPATIONS AND BUSINESSES.

WHEREAS, prior to this Council's passage of Ordinance No. 6-98 on June 6, 1998, home-centered professions, occupations, and businesses were not permitted in residential zoning districts in the City of Richmond Heights, but upon the enactment of said Ordinance, home-centered professions, occupations, and businesses were permitted to be conducted on a limited basis as an accessory use in dwelling units under the standards set forth in Section 1136.02(h) of the Planning and Zoning Code of the City; and

WHEREAS, since 1998 and more specifically over the past two years, local and nationwide economic conditions have contributed to the situation where more and more people are working out of their homes to pursue their professions, occupations, or businesses as either their principal livelihoods or supplements thereto; and

WHEREAS, it has been well documented over the past several years that home-centered professions, occupations, and businesses in residential zoning districts that do not meet the standards in Section 1135.02(h) cause disruption and interference with the use and enjoyment of neighboring residential properties, are aesthetically unpleasing, and have the potential to lower property values in the neighborhood; and

WHEREAS, in order to strike a balance between the interests of homeowners and occupants who have a need for a home occupation or business and the legitimate interests of neighboring property owners and occupants to be free from the adverse effects of home-centered professions, occupations, and businesses, this Council has determined to amend the standards for home-centered professions, occupations, and businesses in residential districts in an attempt to accommodate the competing interest expressed herein;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Existing Subsection (h) of Section 1135.02 of the Planning and Zoning Code of the City is amended as follows:

(h) A home-centered profession, occupation, or business (collectively referred to in this subsection as a "business") may be conducted only as an accessory use on a lot where a dwelling unit is being occupied

and being used as a dwelling unit, provided that all of the following standards are maintained:

- (1) Home businesses that employ or engage persons in furtherance of the business at any time during a calendar year, other than a resident of the subject premises who is a member of the immediate family residing on the premises, must register the business with the City's Division of Building, Zoning and Housing (the "Division") on an annual basis and prior to January 31 of each year. An annual registration fee of \$50.00 is required. A principal of the business shall supply the following information in the annual registration form supplied by the Division:
 - (A) The official legal name of the business and the form of business entity;
 - (B) The names of all principals and employees, whether fulltime, part-time or seasonal; if the nature of the business is seasonal, an estimate of the number of employees that will be employed during any particular season shall be given with the estimated period(s) of employment;
 - (C) A description of the nature and operations of the business;
 - (D) The federal tax identification number for the business; and
 - (E) The number and types of vehicles used for the business, which information in the registration shall be updated in writing to the City's Division within 30 days of any change in the vehicles being used for the business taking place at the subject premises.
- (2) The business shall be conducted wholly within the dwelling unit, except:
 - (A) Vehicles used in the furtherance of the business and all employees' vehicles must have a valid State of Ohio registration and license plate and may only park behind the imaginary line extending across the front of the main building on the lot to the side property lines of the lot (the "front building line"). On corner lots facing two public streets, there shall be no parking of such vehicles in a front yard or a side yard facing a public street, including the area of such side yard extended to the rear property line. One such vehicle,

however, is permitted to be parked in the driveway of the lot if it otherwise meets the requirements of the Codified Ordinances of the City. There shall be no parking of such vehicles on a public street.

- (B) All vehicles and trailers associated with the business must be parked out of sight from all public rights-of-way and from other residential properties and parked in either an enclosed building or on pavement in an area as described in part (A) above and screened from view. Such screening shall consist of planted material that provides a year round, continuous visual screen to an initial height of at least six (6) feet. At a minimum such planted areas shall consist of two (2) staggered rows of evergreen (non deciduous) vegetation. Landscaped earth mounds and fencing may supplement the planted screen in order to achieve the required screen density and height. The Commissioner of the Division or his/her designee shall determine the effectiveness of the selected screening. These screening requirements shall not apply where natural or man-made barriers exist which provide screening equivalent to that required herein as determined by the Commissioner of the Division or his/her designee. Screening shall be maintained in good condition at all times. All earth mounds and fences shall comply with the provisions of the City's Codified Ordinances.
- (C) There shall be no staging of business equipment, materials, and/or employees at the premises for the purpose of preparing to perform business activities off of the premises, except for one period of thirty (30) consecutive minutes in the a.m. hours of a day and for one period of thirty (30) consecutive minutes in the p.m. hours of a day and which shall not occur before 7:00 a.m. or after 8:00 p.m. All staging shall occur only behind the front building line. For purposes of this Section, "staging" is defined as loading or preparing materials or equipment to conduct business and employee participation in that activity but only by the number of employees permitted by subdivision (3) below.
- (D) There shall be no storage of business merchandise, supplies, refuse, spoils, or equipment outside of a completely enclosed building.

(3) The number of business vehicles and the number of employees who do not reside at the premises and are not members of the immediate family residing at the premises that shall be permitted to be on the premises for purposes of conducting any activity related to the business shall be as follows:

- (A) For lots less than 15,000 square feet in area, there shall be no more than one vehicle and one employee.
- (B) For lots from 15,000 square feet to less than 43,000 square feet in area, there shall be no more than two vehicles and two employees.
- (C) For lots from 43,000 square feet to less than 60,000 square feet in area, there shall be no more than three vehicles and three employees.
- (D) For lots greater than 60,000 square feet in area, there shall be no more than four vehicles and four employees.

(4) No business shall be permitted to operate in any portion of any dwelling unit or lot where the conduct of such business is or will be disruptive to neighboring property owners or occupants by reason of excessive noise, early or late hours of business activity, the intensity of the business activity, or where mechanical, electrical or motorized equipment used in furtherance of the business causes any disturbance, smoke, heat, glare, dust, odor, noise or other environmental pollution of any kind beyond the lot where the home business is located. The regulation of noise shall be as set forth in the City's Codified Ordinances.

(5) There shall be no direct sales on the premises of merchandise or products manufactured, stored, or transferred on the premises, except for the sale of fruits and vegetables grown on the premises and by advance appointment only for the sale of small items made or produced on the premises, such as baked goods, individual custom-made clothing, goods made of cloth or similar materials, arts and crafts items, computer software, and similar items that can be hand-carried off of the premises by a single person. The provision of services to consumers on the premises shall be by advance appointment only. Open house-type events for a business are prohibited

(6) There shall be no exterior alterations made to the dwelling unit or to an accessory structure for home business purposes

which will change the appearance of the dwelling and accessory structure so as to indicate from the exterior that the building or buildings are being used for any purpose other than a residential use.

- (7) There shall be no sign, display, or other indications visible from outside any building on the premises that would indicate that the lot is being used, even in part, for any purpose other than that of a residential dwelling, except that a "Sign Plate", as defined in this Code, not to exceed two square feet in area, that is attached to the wall of the main building on the lot is permitted with no restriction on its content. The maximum size of a Sign Plate or the number thereof, as permitted by this Code, shall not be varied in any manner.
- (8) Except for child day care homes, motor vehicles shall only bring clients or customers to or from the home business between 9:00 a.m. to 9:00 p.m. daily. All such vehicles visiting the home business shall be parked on private property and comply with all other provisions of the Codified Ordinances of the City.
- (9) There shall be no excavating or earth moving equipment or no vehicles with a hauling capacity of over two tons permitted on a lot.

Section 2: The existing Subsection (h) of Section 1135.02 of the Planning and Zoning Code of the City is hereby repealed.

Section 3: 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 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council