

---

# URBAN AGRICULTURE ORDINANCES CITY OF CLEVELAND

---

The City of Cleveland is committed to increasing community health, sustainability and supporting local economies. Below is a collection of policies and ordinances that the city has adopted to increase, enable and facilitate urban agriculture.

**Urban Garden District:** Established as part of the zoning code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.

**Urban Agriculture Overlay District (DRAFT):** Introduced to Cleveland City Council as a measure that would allow for more intensive uses of urban agriculture in certain areas designated by the city. The legislation is currently pending before Cleveland City Council.

**Keeping of Farm Animals and Bees:** Zoning update permitting the keeping of chickens, bees, and other livestock in all zoning districts within city limits.

**Licensing Policy on Keeping of Farm Animals and Bees:** This legislation describes the permitting regulations through the Cleveland Department of Public Health that apply to the licenses required for keeping livestock.

**Agricultural in Residential Districts:** Amendments to the zoning regulations for residential districts that permit farm stands, different design guidelines for fencing, and allow agriculture as a principal use on vacant lots.

**Permitting Process for High Tunnels and Hoop Houses:** Due to the increasing number of high tunnels being constructed on urban farms in Cleveland as a result of the " [USDA EQIP Seasonal High Tunnel Initiative](#), the [City of Cleveland's Department of Building and Housing](#) issued a clarification of the permitting process and fee schedule for these types of structures in December 2012.

**For more information:**

Jenita McGowan, Chief  
Office of Sustainability  
601 Lakeside Ave. Room 227  
Cleveland, Ohio 44114

## Urban Garden District

### **CITY OF CLEVELAND**

#### **336.01 URBAN GARDEN DISTRICT**

The "Urban Garden District" is hereby established as part of the Zoning Code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production,

community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community. (Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

### **336.02 DEFINITIONS**

(a) “*Community garden*” means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(b) “*Market garden*” means an area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.

(c) “*Greenhouse*” means a building made of glass, plastic, or fiberglass in which plants are cultivated.

(d) “*Hoophouse*” means a structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape.

(e) “*Coldframe*” means an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold. (Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

### **336.03 PERMITTED MAIN USES**

Only the following main uses shall be permitted in an Urban Garden District:

- (a) community gardens which may have occasional sales of items grown at the site; (b) market gardens, including the sale of crops produced on the site. (Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

### **336.04 PERMITTED ACCESSORY USES**

Only the following accessory uses and structures shall be permitted in an Urban Garden District:

- (a) greenhouses, hoophouses, cold-frames, and similar structures used to extend the growing season;
- (b) open space associated with and intended for use as garden areas;
- (c) signs limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign, in conformance with the regulations of Section 336.05;
- (d) benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives, and children's play areas;
- (e) buildings, limited to tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, in conformance with the regulations of Section 336.05;
- (f) off-street parking and walkways, in conformance with the regulations of Section 336.05. (Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

### **336.05 SUPPLEMENTAL REGULATIONS**

Uses and structures in an Urban Garden District shall be developed and maintained in accordance with the following regulations.

(a) *Location*. Buildings shall be set back from property lines of a Residential District a minimum distance of five (5) feet.

(b) *Height*. No building or other structure shall be greater than twenty-five (25) feet in height.

(c) *Building Coverage*. The combined area of all buildings, excluding greenhouses and hoophouses, shall not exceed fifteen percent (15%) of the garden site lot area.

(d) *Parking and Walkways*. Off-street parking shall be permitted only for those garden sites exceeding 15,000 square feet in lot area. Such parking shall be limited in size to ten percent (10%) of the garden site lot area and shall be either unpaved or surfaced with gravel or similar loose material or shall be

paved with pervious paving material. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

(e) *Signs*. Signs shall not exceed four (4) square feet in area per side and shall not exceed six (6) feet in height.

(f) *Seasonal Farm Stands*. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.

(g) *Fences*. Fences shall not exceed six (6) feet in height, shall be at least fifty percent (50%) open if they are taller than four (4) feet, and shall be constructed of wood, chain link, or ornamental metal. For any garden that is 15,000 square feet in area or greater and is in a location that is subject to design review and approval by the City Planning Commission or Landmarks Commission, no fence shall be installed without review by the City Planning Director, on behalf of the Commission, who may confer with a neighborhood design review committee. If one exists, so that best efforts are taken to ensure that the fence is compatible in appearance and placement with the character of nearby properties. (Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

---

## Farm Animals

### City of Cleveland

### Zoning Code Update

Effective Date: February 5, 2009

### 347.02 Restrictions on the Keeping of Farm Animals and Bees

#### 347.02 Restrictions on the Keeping of Farm Animals and Bees

**(a) Purpose.** The regulations of this section are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

**(b) Chickens, Ducks, Rabbits and Similar Animals.** The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations.

**(1) In Residential Districts.** In Residential Districts, the following regulations shall apply.

A. Number. No more than one such animal shall be kept on a parcel of land for each 800 square feet of parcel or lot area. For a standard residential lot of 4,800 square feet, this regulation would permit no more than a total of six (6) such animals.

B. Setbacks. The coops or cages housing such animals may not be located in front yard or side street yard areas and shall not be located within five (5) feet of a side yard line nor within eighteen (18) inches of a rear yard line, except where the rear lot line forms the side lot line or front lot line of an abutting property, in which case the setback from such rear lot line shall be five (5) feet. No animals shall be kept in required front yard or side street yard areas.

C. Prohibitions. No roosters, geese or turkeys may be kept in a Residential District except on a parcel that is at least one (1) acre in area and only if the coop or cage housing the bird(s) is at least one hundred (100) feet from all property lines. For parcels

greater than one (1) acre in area, one (1) additional such bird may be kept for each 24,000 square feet in excess of one (1) acre. No predatory birds may be kept on any property under the regulations of this Section.

D. Coops and Cages. All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than thirty-two (32) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed fifteen (15) feet in height.

E. Enclosures and Fences. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

**(2) In Non-Residential Districts.** In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of such animals shall be limited to one (1) animal for each four hundred (400) square feet of lot area.

**(c) Goats, Pigs, Sheep and Similar Animals.** The keeping of goats, pigs, sheep and similar farm animals, and stables and enclosures for the keeping of such animals, shall be governed by the following regulations.

**(1) In Residential Districts.** In Residential Districts, no goats, pigs, sheep or similar farm animals shall be kept on a parcel of land less than 24,000 square feet in area. For a parcel that is at least 24,000 square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional 2,400 square feet of area. Stables or other enclosures for such animals shall not be permitted in front yards or in side street yards and shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

**(2) In Non-Residential Districts.** In zoning districts other than Residential Districts, no goats, pigs, sheep or similar farm animals shall be kept on a parcel of land less than 14,400 square feet in area. For a parcel that is at least 14,400 square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional 1,200 square feet of area. Stables or other enclosures for such animals shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

**(3) Prohibitions.** No horses, cows, alpacas, llamas or similar animals shall be kept on a property except in areas specifically designated for the keeping of such animals.

**(d) Bees.** The keeping of bees, and associated beehives, shall be governed by the following regulations.

**(1) In Residential Districts.** In Residential Districts, the following regulations shall apply.

A. Number. No more than one (1) beehive shall be kept for each 2,400 square feet of lot area, and no beehive shall be kept on a lot less than 2,400 square feet in area.

B. Location and Setbacks. No beehive shall be kept closer than five (5) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.

C. Fences and Shrubs. A solid fence or dense hedge, known as a “flyway barrier,” at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.

D. Water Supply. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

E. Prohibitions. No Africanized bees may be kept on a property under the regulations of this Section.

**(2) In Non-Residential Districts.** In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of beehives shall be limited to one (1) for each 1,000 square feet of lot area.

**(e) Lots Without a Residence.** Notwithstanding the provisions of Section 337.23 regarding Accessory Uses, farm animals or bees may be kept on a lot that is vacant or has no occupied residence but only if the applicant for such activity submits written documentation to the Director of Public Health, in accordance with the provisions of Section 205.04, demonstrating that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions.

**(f) Sanitation and Nuisances.** Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

**(g) Animal or Bird Noise.** It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes

noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.

**(h) Slaughtering of Animals.** Chickens, ducks, rabbits and similar small animals may be slaughtered on site only inside a garage or other building and only if for use by the occupants of the

premises and not for sale. No other farm animal may be slaughtered on site.

**(i) Application to Building and Housing Department.** Anyone proposing to keep farm animals or bees on a property in the City of Cleveland or to expand such use shall apply for approval from the Department of Building and Housing, which shall determine if the application is in compliance with regulations regarding construction and permitted placement of enclosures, fences, cages, coops, beehives, flyway barriers, stables and other structures used in the keeping of farm animals or bees and whether the property is occupied by a condemned building.

(1) Contents of Application. The application shall include the information required by the provisions of division (a) of Section 205.04.

(2) Building Permits. A Building Permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops or beehives 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 Building Permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height; and no Permit shall be required for a "flyway" barrier not exceeding six (6) feet in height and six (6) feet in length.

**(h) Application to Public Health Department.** In accordance with the provisions of Section 205.04, anyone proposing to keep farm animals or bees on a property in the City of Cleveland shall apply for a two-year license from the City of Cleveland through its Department of Public Health on a form provided by that office.

**(i) Building Conditions.** The keeping of farm animals or bees shall not be permitted on a property occupied by a building that has been condemned by the Department of Building and Housing.

**(j) Enforcement.** The Director of the Department of Building and Housing or the Director's designee shall have the authority to inspect any property to determine compliance with the regulations of this Section regarding the construction and permitted placement of enclosures, fences, cages, coops, beehives, stables and other structures used in the keeping of farm animals or bees and shall have the authority to enforce the regulations of this Section as they apply to such matters. The Department of Public Health shall have the authority to enforce regulations of this Section in accordance with the provisions of Section 205.04.

**(k) Variances.** The Board of Zoning Appeals may vary the regulations of this section as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this Section.

**(l) Definitions.** Terms used in this Section shall have the meanings assigned to them in the following definitions.

**(1) Farm Animal.** “Farm animal” means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm and is not an “exotic animal” as defined in Section 603A.02 and is not a house pet such as a dog, cat or similar animal.

**(2) Coop and Cage.** “Coop” and “cage” mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.

**(3) Enclosure.** “Enclosure” means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.

**(4) Predatory Bird.** “Predatory bird” means an owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.

**(5) Similar Animal.** Any farm animal that is similar to other animals listed in a particular category of permitted animals with respect to impacts on nearby properties, including noise, odors, safety hazards or other nuisances.

**(m) Review and Expiration.** Not later than six (6) months after the effective date of this section, the Department of Public Health and the Department of Building and Housing shall submit a report to City Council listing any public complaints received and any enforcement actions taken during the first six (6) months after the effective date of this section relative to the keeping of farm animals or bees in accordance with the regulations of this section. Upon receiving this report from the Director of Public Health, City Council members shall conduct a mobile tour of select locations throughout the City where farm animals and bees are being kept in connection with licenses obtained under this ordinance. City Council shall use this report to make a determination on the effectiveness of the regulations. This section shall expire and be of no further force and effect twelve (12) months after the effective date of this section.

---

## Licensing Farm Animals & Bees

City of Cleveland

Health Code Update

Effective Date: February 5,  
2009

### **205.04 Restrictions on the Keeping of Farm Animals and Bees**

#### **205.04 Restrictions on the Keeping of Farm Animals and Bees**

Anyone proposing to keep farm animals or bees on a property in the City of Cleveland shall apply for a two-year license from the City of Cleveland through its Department of Public Health on a form provided by that office, with payment of a fee set by the Board of Control.

**(a) Application Contents.** The application for such license shall include, at a minimum, the following information.

- (1) the name, phone, phone number and address of the applicant;
- (2) the location of the subject property;
- (3) the size of the property;
- (4) the number of animals or bee hives to be kept on the property;
- (5) a description of any proposed cages, coops, beehives, fences or enclosures;
- (6) a scaled drawing showing the precise location of cages, coops, enclosures, beehives, stables and fences in relation to property lines and to houses on adjacent properties,
- (7) a description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of insects or rodents;
- (8) in the case of a lot that is vacant or has no occupied residence, documentation demonstrating that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions;
- (9) a signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of farm animals or bees as described in the license application; and
- (10) the addresses of all properties directly adjoining the subject property.

**(b) License Approval.** The Public Health Director shall take action on a license application for the keeping of farm animals or bees in accordance with the following provisions.

**(1) Approval Standards.** In evaluating an application for an initial license or a license renewal, the Public Health Director shall consider any evidence ascertained through inspections of the property or through the submission of evidence regarding nuisances or conditions that are unsafe or unsanitary relative to the subject property and, in particular, any recorded violations. The Director of Public Health may deny a license on consideration of such evidence.

**(2) Notification in Residential Districts.** Upon receipt of an initial license application for a property located in a Residential zoning district, the Department of Public Health shall send a copy of the license application, along with a comment form, to the owner of each property directly adjoining the property that is the subject of the license application. A copy of these notifications shall be transmitted to the City Councilmember in whose ward the subject property is located. In reviewing the license application, the Director shall consider any evidence submitted by neighbors regarding issues pertinent to the regulations and approval standards for issuance of the license. The Director shall not take action on such license application prior to twenty-one (21) days from the date on which the notice was mailed to the owners of adjoining properties.



**(3) Building and Housing Approval.** The Public Health Director shall not approve any initial license application for the keeping of farm animals or bees prior to approval of the site plan by the Department of Building and Housing in accordance with the provisions of Section 347.02 of the Zoning Code.

**(c) License Expiration.** Such license shall expire at the end of a calendar year and shall be renewed once every two years during November or December. The application for renewal of a license need not include drawings and other information regarding conditions that have not changed since submission of such information in a prior license application.

**(d) Lots Without a Residence.** In the case of an application to keep farm animals or bees on a lot that is vacant or has no occupied residence, a License shall be granted only if the applicant submits written documentation satisfactory to the Public Health Director demonstrating that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions. Where the applicant is not the property owner, a license may be granted only where the application is accompanied by a signed statement from the property owner granting the applicant permission to engage in the keeping of farm animals or bees.

**(e) Enforcement.** The Director of the Department of Public Health or any authorized City employee shall have the authority to inspect any property to determine compliance with the regulations of Section 347.02 of the Zoning Code regarding sanitation and nuisances and operational practices in the keeping of farm animals or bees and shall have the authority to enforce the regulations of that Section as they apply to such matters.

**(f) Penalties.** If the Director of Public Health determines that an individual is in violation of the provisions of this Section or Section 347.02 with respect to the enforcement responsibilities of the Department of Public Health, the Director shall issue a violation notice to the individual, noting the nature of the violation(s). If the violation is not corrected within seven (7) days of issuance of the violation notice, the recipient of the notice shall be subject to the following penalties and enforcement actions.

---

## Agriculture in Residential Districts

1

### 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, hoopouses, 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.

---

(1) for a first offense, a fine of fifty dollars (\$50);

(2) for a second offense occurring within four (4) months of the first offense, a fine of seventy-five dollars (\$75);

(3) for a third and any subsequent offense occurring within four (4) months of the first offense, any farm animals or bee hives associated with the violation shall be removed from the property by the individual or shall be removed and impounded by the Department of Public Health.

---