

**DEPARTMENT OF BUILDING AND HOUSING
EXECUTIVE SUMMARY**

Ordinance No. 98-2022

Description: To supplement the Codified Ordinances of Cleveland, Ohio 1976 by enacting new Section 337.19 related to parking recreational vehicles in a residential district.

Ordinance No. 98-2022, enacting a new Zoning Code Section 337.19 relating to parking recreational vehicles in a residential district is not supported by the Department of Building and Housing due to the following:

- 1) Parking or storing recreational vehicles, boats, trailer, or other of the listed equipment and vehicles in the front half of a residential lot is already prohibited in Zoning Code Section 337.23(a)(6) and 357.13(b).
- 2) The intention of limiting the storage or parking of the vehicles/equipment in the front setback, or in the driveway between residences is actually thwarted by proposed Section 337.19(b)(3), which sets a permissible number of non-consecutive hours (48) in which they may be parked anywhere on the residential lot. Building and Housing Inspectors have no way of recording time vehicles spend at any one position, and cannot enter private premises to “chalk tires” without a search warrant. The provision is effectively unenforceable.
- 3) Proposed Section 337.19(b)(2) prohibiting residing in trailers or recreational vehicles is already prohibited by Section 327.02(c) requiring a use permit and Certificate of Occupancy for such residence. Prospective use permits for RV/trailer habitation would be denied due to floor area size requirements in Section 355.05.
- 4) A screening requirement in accordance with existing Section 352.10 for RV’s parked or stored on a residential lot is mandated in proposed Section 337.19(b)(2)(e). This would require “...*screening with 75% or greater opacity of sufficient height to conceal uses specified herein from view from the ground floor level on adjoining properties and from the street.*” The proposed screening requirement creates a conflict with existing fence height regulations for residential lots listed in Zoning Code Section 358.04. Fences in rear yards are limited to a maximum of six feet in height: screening of an RV/motor home would be significantly taller.
- 5) Proposed Section 337.19(c) mandates obtaining and displaying a “parking permit”. As stated above, Inspectors are unable to enter private premises to check for displayed “parking permits” without a search warrant, making that regulation inconsequential. Most importantly, the “parking permit” is proposed to be issued by the Director of Building and Housing “for a one-time fee of \$5.00...” Processing, examination, issuance, post-issuance inspection, storage and configuration of the existing automated permit system for this unique “parking” pass falls far short of the actual cost of the permit issuance process, and results in an unfunded, or extremely underfunded mandate for a site regulation condition that is already existing.