

ORDINANCE NO.: 2014- 57
INTRODUCED BY: MR. MUSCENTI

3819

**AN ORDINANCE
AMENDING SECTIONS 1125.02(b), 1125.03, 1125.04, AND 1125.05 OF
CHAPTER 1125 OF THE CODIFIED ORDINANCES "RESIDENTIAL
DISTRICTS: DETACHED ONE AND TWO-FAMILY."**

WHEREAS, Planning and Zoning Commission has reviewed and discussed amendments to Chapter 1125, "Residential Districts: Detached One and Two-Family," of the Codified Ordinances of the Village specifically regarding permitted accessory uses and area, yard and height regulations for main buildings and accessory structures in R1 and R2 Districts; and

WHEREAS, the Planning and Zoning Commission has recommended to Council that Sections 1125.02, 1125.03, 1125.04, and 1125.05 be amended as set forth below; and

WHEREAS, Council desires to enact the amendments to the ordinances as recommended by the Planning and Zoning Commission; and

WHEREAS, Council has held a public hearing on this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That of Section 1125.02, "Permitted Uses," of Chapter 1125 "Residential Districts: Detached One and Two-Family," of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

"1125.02 PERMITTED USES.

In Detached One and Two-Family Residential Districts, buildings and land shall be used by right for only the main and accessory uses set forth.

* * *

(b) Accessory Uses.

- (1) ~~Private~~ Garages, driveways and walkways.
- (2) Private swimming pools and other private recreational uses.
- (3) Landscape features and private gardens as regulated in Chapter 1142.
- (4) Fences and walls as regulated in Chapter 1148.
- (5) Central air-conditioner units, generators, heat pumps, storage sheds and roof-top antennas.
- (6) Signs, as regulated in Chapter 1143.
- (7) Home occupations, renting of rooms."

SECTION 2. That Section 1125.03, "Area, Yard and Height Regulations: Main Buildings," of Chapter 1125 "Residential Districts: Detached One and Two-Family," of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

"1125.03 AREA, YARD AND HEIGHT REGULATIONS: MAIN BUILDINGS.

* * *

(k) Projection of Building Features into Required Yards.

- (1) Certain architectural features and entrance features, described below, may project from a dwelling into any required yard a maximum distance of three feet. However, no such feature shall extend to within three feet of a side lot line or into a required yard any distance greater than a setback line that has been established by a variance. Additionally, entrance features may project into a required front yard a maximum distance of six feet. For purposes of this subsection, architectural features shall include awnings, balconies, bay windows, belt courses, canopies, cornices, projecting eaves and other overhangs.
- (2) Entrance features not exceeding forty eight (48) square feet may project into a required yard a maximum distance of six feet provided that no projection shall extend into a required yard any distance greater than a setback line that has been established by a variance. Entrance features shall include steps, landings, platforms and unenclosed porches not extending above the first floor.
- (3) Structures such as porches, balconies, platforms, decks, patios, and similar architectural projections that exceed forty eight (48) square feet shall meet the setback requirements of the main building.

* * *

(n) Garages. Each residential building shall be served by a garage located on the same lot. An attached garage is part of the main building when a wall or roof between the dwelling and attached garage has a minimum of forty percent (40%) of the length of the garage wall or roof in common with the dwelling wall or roof. For residential buildings located on a corner lot and having an attached garage with garage doors facing the side street, the minimum distance from the side street line to the garage portion of the main building shall be twenty feet."

SECTION 3. That Section 1125.04, "Area, Yard and Regulation; Accessory Structures," of Chapter 1125 "Residential Districts: Detached One and Two-Family," of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

"1125.04 AREA, YARD AND HEIGHT REGULATION; ACCESSORY STRUCTURES.

Accessory structures shall not be located in required yards except as permitted herein. However, landscape features and private gardens in conformance with applicable height regulations may be located in any required yard.

(a) Accessory Buildings Including Detached Garages. Accessory buildings, including detached garages, must be in accordance with the following standards:

* * *

- (6) The maximum height of an accessory building shall not exceed ~~fifteen~~ eighteen feet. The Architectural Board of Review may approve a height of no more than twenty-two feet for a detached garage to permit a roof pitch that is architecturally compatible

with the main building on the lot and on property in proximity to the lot when required by Chapter 1146. Such approval shall be in accordance with the following compatibility requirements:

- A. The maximum height shall not exceed twenty-two feet;
- B. The maximum height shall not exceed that of the main building;
- C. Regardless of the height of the building, the maximum height of the sidewalls of a garage shall not exceed ten feet from the floor of the garage to the top of the sidewall; and
- D. The distance of a garage from the side and rear lot lines shall increase by one foot for each foot over ~~fifteen~~ eighteen feet in building height. Where the computation results in a fractional unit, the requirement shall be rounded up to the closest foot.

~~(7) All detached garages and accessory buildings must be located a minimum distance of fifteen feet from the living area of any main building located on an abutting lot.~~

~~(8) A conforming detached garage or accessory building shall not be rendered a non-conforming use by the subsequent location on an abutting lot of the living area of a main building within fifteen feet of such garage or accessory building.~~

* * *

(e) Central Air Conditioner Units, Heat Pumps. Air conditioner units and heat pumps shall be: ~~These structures shall only be~~

- ~~(1) Located at the side or rear of the dwelling in compliance with the setback requirements of the main building; and minimum distance of fifteen feet from the living area of any main building located on an abutting lot. The written approval of the abutting property owners must be submitted with the application if the structure is to be located in a side yard. The structures shall not be located in a required yard as defined in Section 1107.19(e). These structures shall not be located in front yards.~~
- ~~(2) These structures shall be Screened from view with evergreen plant material or decorative fencing in a manner and form approved by the Village.~~

(f) Generators. Generators shall be:

- (1) Located at the side or rear of the dwelling in compliance with the setback requirements of the main building;
- (2) Screened from view with evergreen plant material or decorative fencing;
- (3) Installed in conformance with the manufacturer's specifications;
- (4) Fueled by natural gas;
- (5) Situated so as to exhaust into the interior of the lot on which they are located;
- (6) Used only during periods of power outages, or, for periodic testing and necessary maintenance operation between the hours of 7:00 a.m. and 7:00 p.m.; and
- (7) Equipped with sound attenuation equipment sufficient to ensure that the noise level produced during operation complies with the requirements of Section 1144.02(b)."

SECTION 4. That Section 1125.05, "Home Occupations; Renting of Rooms," of Chapter 1125 "Residential Districts: Detached One and Two-Family," of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

"1125.05 HOME OCCUPATIONS; RENTING OF ROOMS.

(a) Home Occupations. Home occupations, including professional offices are permitted only if in conformance with the following standards:

* * *

(2) Area. The occupation is conducted wholly within a completely enclosed building, and any space used for sales, service or production occupies no more than twenty-five percent (25%) of the dwelling's floor area nor more than 150 square feet.

* * *

SECTION 5. That existing Sections 1125.02(b), 1125.03(k), 1125.03(n), 1125.04(a)(6)D., (7) and (8), 1125.04(e), and 1125.05(a)(2) of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict herewith are hereby repealed.

SECTION 6. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 7. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 8. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: October 13, 2014



Council President

Submitted to the Mayor for
his approval on this
14 day of October, 2014

Approved by the Mayor
October 14, 2014



Mayor

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INTRODUCED BY: MR. MUSCENTI

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I hereby certify that Ordinance No. 2014- 57 was duly enacted on the 13 day of October, 2014, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council