

**VILLAGE OF CHAGRIN FALLS
PLANNING AND ZONING COMMISSION
November 20, 2017**

Members present: Rogoff, Baker, Touzalin, Feniger
Also present: Lindner, Jamieson, Edwards

The meeting was called to order at 7:30 p.m. by Chairman Patti Baker.

APPROVAL OF MINUTES

Moved by Ms. Rogoff, seconded by Mrs. Touzalin that the minutes of the meeting held October 16, 2017 be approved. Carried. Ayes: Baker, Rogoff, Touzalin. Abstain: Feniger. Nays: None.

GRADE

Mrs. Lindner said Mr. Markowitz is working on this along with other zoning code updates.

ACCESSORY STRUCTURES

The proposed revisions to Section 1125.04 were reviewed and discussed. Mrs. Lindner will update this section with the recommended revisions and draft new regulations for review at the next meeting.

SHORT-TERM RENTALS

Mrs. Baker said this will be taken off of the agenda.

MEETING NOTICE

There will be no meeting in December unless an issue arises.

The meeting adjourned at 8:50 p.m.

Patti Baker, Chairman
lgb

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

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

- (a) Accessory Buildings Including Detached Garages. *No change.*
- (b) Driveways. *No change.*
- (c) Fences, Walls and Hedges. *No change.*
- (d) Recreational Uses.

(1) Swimming pools. *No change.*

(2) Recreation courts. Tennis, basketball and other recreation courts shall be located only in rear yards and shall be set back from each lot line a minimum distance of ten feet as measured either from the enclosing fence or, if no fence is required, from the edge of the court surface. Tennis courts shall be enclosed by a metal chain link or mesh fence as regulated in Chapter 1148. ~~None of the regulations~~ This section shall not be deemed to restrict the location prohibit placement of a basketball backboard that is not part of a basketball court, but is attached to an existing structure or a pole located beyond the required front yard for a building or side yard for a driveway . or a garage wall or roof.

Add new subsection 1125.04(d)(3) as follows:

(3) Play Structures. Outdoor Play structures with a footprint in excess of fifty (50) square feet in area or a height greater than twelve (12) feet shall be considered a structure subject to regulation as set forth in the Planning and Zoning Code. Such structures shall be located only in side or rear yards and set back a minimum distance of three (3) feet from each lot line as measured from the property line to the outer edge of any support framework of the equipment or any supporting framework. The area, for footprint measurement, shall be that of a rectangle that encloses the supporting framework. The height shall be measured from any point of the adjacent ground elevation to the highest point of any roof or other supporting framework. For corner lots, the minimum distance from the side street line shall be five feet plus the setback for the main building.

Add new subsection 1125.04(d)(4) as follows:

(4) Outdoor Recreational Fireplaces. Outdoor Recreational Fireplaces are permanent structures that include a firebox and chimney. Such structures may be attached or detached from the dwelling and are permitted in accordance with the following standards:

- A. Any Outdoor Recreational Fireplace that is attached to a dwelling shall be considered to be part of the dwelling.
- B. Detached Outdoor Recreational Fireplaces shall be located only in rear yards no closer than ten (10) feet to any side or rear property line of a lot. For corner lots, the minimum distance from the side street line shall be five feet plus the setback for the main building.

Comment [DM1]: This inclusion contradicts in my view, the intent of the first sentence to require a 10' rear yard setback. I would refer to see a sentence that says:

A basketball backboard may be placed on any building, or structure, as long as the placement is at least ten feet from the rear lot line.

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Comment [JSL2]: The intent of this subsection is to regulate the footprint of a playing surface (court) constructed specifically for recreation purposes. These are appropriately limited to the rear yard. The second sentence recognizes that basketball backboards may be placed on lots where no court is built, i.e. the driveway which is a front or side yard location. The current code language only addresses backboards when attached to a garage wall or roof. Today, you are more likely to see backboards on a pole, either permanent or temporary, situated so that the driveway serves as the "court" even though for the purposes of this code it is not. P&Z had no desire to limit this very common use. This revision removes any limitation on placement of a backboard, not just those attached to a garage. Deleting the entire second sentence would have the same effect, but keeping it in as edited might avoid confusion.

Comment [DM3]: See my addition in yellow.

Comment [JSL4]: Agree with these changes.

C. Any Outdoor Recreational Fireplace that is detached from the dwelling shall not exceed fifteen (15) feet in height. ~~Neither shall such structures exceed eight (8) feet in width nor five (5) feet in depth for the first five (5) feet in height, nor three (3) feet in width or depth for any portion of the structure above the height of five (5) feet.~~

D.C. Outdoor Recreational Fireplaces shall be constructed of decorative brick or stone and shall have an equal level of finish ~~materials on all sides.~~

E.D. Fuel for outdoor recreational fireplaces shall be restricted to non-treated, seasoned, dry wood, and shall not contain any rubbish, garbage, rags, trash, or any material coated with rubber, plastic, leather or petroleum based materials or any flammable or combustible liquids. However, alternative burning systems that are specifically designed ~~and approved~~ for Outdoor Recreational Fireplaces utilizing such energy sources as electricity or gas may also be ~~used~~ authorized.

F.E. The use of an Outdoor Recreational Fireplace shall be in compliance with the Environmental Performance Regulations set forth in Chapter 1144 and with the Fire Prevention Code.

G.F. The use of an Outdoor Recreational Fireplace shall not create a public nuisance or health hazard due to smoke, fumes, sparks, heat, debris, or odor.

(e) Central Air Conditioner Units, Heat Pumps. *No change.*

(f) Generators. *No change.*

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Comment [DM5]: How do we justify the reasonableness of these size limits? How is that supporting health, safety, etc. I would not put a size limit in place, other than including the fireplace as an accessory structure that counts towards the total accessory structure area permitted on a lot, such as the 700 square feet allowed in Section 1125.04(a)(2).

Comment [JSL6]: It is my understanding that code has been interpreted so that the 700 square feet limit and 30% rear yard only applies to accessory buildings, not structures, since that limitation is specific to 1125.04(a). We could edit (a) to apply to structures as well as buildings, but that might create some nonconforming situations for existing properties with structures like swimming pools that have no limit. Or we could simply remove the limitation and allow any size that can be built within the setbacks. We used Solon as a model for this language and these were the dimensions they used. The smaller dimensions once you get above 5 feet in height is so that the structure tapers down as it gets taller and basically just becomes a chimney.

Comment [DM7]: I would prefer we go with removal of the limitation as long as they meet the setback and don't exceed the total area allowed for accessory structures.

Comment [DM8]: I also see this requirement to be arguably unreasonable. What is the police power necessity for this restriction.

Comment [JSL9]: This is a fairly common requirement to ensure that buildings and structures present a high quality appearance on all sides. Most communities do not want to see buildings/structures of metal or concrete block that just have a brick, stucco or textured masonry finish on the front only. It's similar to current 1148.03(b) where we require the

Comment [DM10]: I did not understand your intent, so I clarified by adding "materials"

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Comment [DM11]: We can't leave it hanging on also may be authorized by whom, and what are the standards to apply.

Comment [JSL12]: Agree – see also additional suggested deletion.