

**VILLAGE OF CHAGRIN FALLS
PLANNING AND ZONING COMMISSION
October 15, 2018**

Members present: Baker, Rogoff, Feniger, Paolozzi, Davis
Also present: Lindner, Jamieson, Edwards, Markowitz

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

APPROVAL OF MINUTES

Moved by Mrs. Feniger, seconded by Ms. Rogoff that the minutes of the meeting held August 20, 2018 be approved. Carried. Ayes: Baker, Rogoff, Feniger, Paolozzi, Davis. Nays: None.

Moved by Mrs. Feniger, seconded by Ms. Rogoff that the minutes of the meeting held September 17, 2018 be approved. Carried. Ayes: Baker, Rogoff, Feniger, Paolozzi, Davis. Nays: None.

ZONING CODE OVERHAUL - REVIEW OF SECTIONS 1119 THROUGH 1131

Code Sections 1119 through 1125 were reviewed and discussed. The commission was unable to get through Code Section 1125 in its entirety, so there will be further discussion at the next meeting.

The meeting adjourned at 10:05 p.m.

Patti Baker, Chairman
lgb

TITLE THREE - Zoning Districts and Regulations

- Chap. 1119. Districts Established; Zoning Map.
- Chap. 1121. Conservation District.
- Chap. 1123. ~~Park and Institutional~~ District.
- ~~Chap. 1124. Institutional District.~~
- Chap. 1125. Residential Districts: Detached One- and Two-Family.
- ~~Chao. 1126: Residential Districts: Detached One-Family Cluster~~
- Chap. 1127. Residential Districts: Attached Single-Family.
- Chap. 1129. Residential Districts: Multi-Family.
- Chap. 1130. Residential Districts: Mixed Use.
- Chap. 1131. Residential Districts: Retirement Living.
- ~~Chap. 1133. Parking District.~~
- Chap. 1135. Office District.
- Chap. 1137. Retail Business District.
- Chap. 1138. Central Shopping District.
- Chap. 1139. Limited Industrial District.

**CHAPTER 1119
 Districts Established; Zoning Map**

- 1119.01 Districts.
- 1119.02 Regulations.
- 1119.03 Zoning Map.
- 1119.04 District boundary lines.
- 1119.05 Annexed territory.

CROSS REFERENCES

- Record of Map - see P. & Z. 1113.05
- Zoning Map changes - see P. & Z. App. B

1119.01- DISTRICTS.

— For the purpose of this Planning and Zoning Code, and to carry out its objectives, the following classification of districts is hereby established in the Municipality:

Comment [DM31]: Amend the map to separate out Parks and Institutional and eliminate parking and move to a residential district.

Title	Abbreviation
Conservation District	C
<u>Park District</u>	<u>P</u>
Park and Institutional District	PI
Residential Districts	
— One-Family 100	R1-100
— One-Family 60	R1-60
— One-Family 50	R1-50
<u>One-Family Cluster</u>	<u>R1-C</u>
— Two-Family	R2F
— Attached Single Family	ASF
— Multi-Family 10	RMF-10
— Multi-Family 15	RMF-15

— Retirement Living	RL
Business Districts	
— Parking	P
— Office Building	O
— Retail Business	R
— Central Shopping	CS
Limited Industrial	LI
Overlay Districts	
— Residential Mixed Use	RMU
— Cluster Development	CD

(Ord.- 1999-23.- Passed 4-26-99.)

1119.02 REGULATIONS.

- (a) The use, area and yard regulations, the building area, bulk, coverage and height regulations, the off-street parking and loading requirements, sign regulations, provisions for performance standards, nonconforming uses, similar uses and conditional uses and all the other regulations set forth or referred to in this Planning and Zoning Code are hereby established.
- (b) Buildings and land shall be used; and the use of buildings and land shall be changed or extended; and buildings shall be designed and erected; and existing buildings or uses shall be altered, converted, enlarged, reconstructed or moved only in conformance with these regulations. The classification of districts set forth in Section 1119.01 shall not be construed as an enumeration of most restrictive to least restrictive districts except for those purposes specifically set forth elsewhere in this Code; neither shall it be construed that a use permitted in a certain district shall be permitted by right in a district which is enumerated subsequently, unless such use is specifically permitted in such subsequent district.
- (c) ~~The main building and use set forth as that is permitted in the various districts on a zoning lot shall be the only principal building and use permitted therein by right. No other main use or building shall be permitted on any zoning lot. The buildings and uses set forth in the various districts as accessory buildings or uses shall be permitted therein by right as a subordinate building or use provided such use is specifically permitted, and incident to, and located on the same zoning lot as the main building or use.~~

Comment [DM32]: This does not work for a multi building commercial or industrial complex. For example, the Plaza. We should provide for separation of buildings for certain districts.

Comment [JSL33]: Edit and move to General Regulations Chapter

(Ord. 1963-586. Passed 12-9-63.)

1119.03 ZONE ZONING MAP.

— The aforesaid districts are designated by symbols and the locations and boundaries of such districts are established on the Map entitled "Zone Zoning Map of the Municipality of Chagrin Falls", or the Village of Chagrin Falls Zoning Map", or similar title and referred to in the Planning and Zoning Code as the Map or Zoning Map. The notations, schedules and other information shown thereon and all amendments thereto are hereby made a part of this Planning and Zoning Code. The Map shall indicate the approval of the Planning and Zoning Commission and adoption by Council. The Map, or a print thereof, shall be on file with the Clerk of Council and the Administrator and shall be the final authority as to the status of current zoning map districts.

(Ord. 1963-586. Passed 12-9-63.)

1119.04_ DISTRICT BOUNDARY LINES.

— The district boundary lines of the ~~Zone~~ Map enclose an area of a designated district, and generally follow the center lines of streets, alleys, lot lines or their extensions, provided, however:

- (a) Where a district boundary line is shown by dimension or relationship as being located a specific distance from and parallel to a street or property line, such distance shall control;
- (b) Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right of way;
- (c) Where a district boundary line divides a parcel of land, the location of such boundary, unless related to fixed points on the property boundary, shall be determined by scale, and the parts of the lot shall comply with the regulations of the district in which each part is located;
- (d) Where a district boundary line does not coincide with any of the aforesaid lines, and where it is not located by dimensions or fixed points shown on the Map, it shall be determined by the scale appearing thereon.
- (e) In locations where the Administrator cannot determine the district line in accordance with the above rules, the Board of Zoning Appeals shall determine the exact location.

(Ord. 1963-586. Passed 12-9-63.)

(f) Whenever any street, alley or other public way is vacated by official action of Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

1119.05 ANNEXED TERRITORY.

All territory which may hereafter be annexed to the Municipality if already zoned shall be continued in its existing zone classification until amended in conformance with the procedure outlined in this Planning and Zoning Code.

(Ord. 1963-586. Passed 12-9-63.)

**CHAPTER 1121
Conservation District**

- 1121.01 Intent.**
- 1121.02 Permitted uses.**
- 1121.03 Area, yard and height regulations.**
- 1121.04 Development standards.**
- 1121.05 Sign regulations.**
- 1121.06 Access and parking.**

1121.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, the Conservation District shall be applied only to publicly owned land and is established for the following objectives:

- (a) To preserve and protect the values of distinctive geologic, topographic, botanic, historic or scenic areas;
- (b) To preserve and protect wildlife habitats;
- (c) To conserve natural resources and protect the ecological balance of an area; and
- (d) To provide opportunities for environmental education and outdoor recreation that are compatible with the other objectives of the District.

(Ord. 1996-33. Passed 6-10-96.)

1121.02 PERMITTED USES.

In a Conservation District, buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses.
 - (1) Forestry.
 - (2) Hiking trails, boardwalks, and footpaths.
 - (3) Forest preserves, wildlife habitats, fishing, and fish breeding habitats.
 - (4) Observation stations and interpretive displays.
 - (5) Shelters or storage areas.
- (b) Accessory Uses.
 - (1) Off-street parking areas, driveways and walkways.
(Ord. 1996-33. Passed 6-10-96.)
 - (2) Sanitation facilities completely enclosed within a permitted main building or structure, or suitably and attractively screened from view.
(Ord. 2014-69. Passed 11-10-14.)
 - (3) Lighting structures as regulated in Chapter 1148 and flagpoles.
 - (4) Fences, walls and hedges as regulated in Chapter 1148.
(Ord. 1996-33. Passed 6-10-96.)

1121.03 AREA, YARD AND HEIGHT REGULATIONS.

In the Conservation District, land and structures shall be developed and maintained in accordance with area, yard and height regulations authorized by the Planning and Zoning Commission. Such authorization shall be based on the following:

- (a) The objectives of Section 1121.01;
- (b) The Development Standards set forth in Section 1121.04; and
- (c) Recommendations from the Administrator, Municipal Village Engineer and other

Municipal Village officers as applicable.
(Ord. 1996-33. Passed 6-10-96.)

1121.04 DEVELOPMENT STANDARDS.

In the Conservation District, land and structures shall be developed and maintained in accordance with the following standards:

- (a) The preservation and appropriate management of all timber shall be encouraged.
- (b) The preservation and appropriate management of wildlife and wildlife habitats shall be encouraged.
- (c) The planting of trees, shrubs and aids for the protection of wildlife and for erosion control shall be encouraged, and when undertaken, shall be in accordance with an approved development plan.
- (d) Buildings or structures shall be situated as to:
 - (1) Leave scenic views or vistas into and out from the development area unblocked or uninterrupted, where, in the opinion of the Planning and Zoning Commission those views or vistas are prominent or locally significant.
 - (2) Prevent the threat of pollution of waterways with sewage, trash, soil or other pollutants.
 - (3) Complement the topography of the land in order to utilize natural contours, economize in the construction of utilities, reduce required grading, and maximize the conservation of trees, watercourses, and other natural features.
- (e) When necessary, public access will be restricted.
- (f) Any utility lines serving the district shall be located underground.

(Ord. 1996-33. Passed 6-10-96.)

1121.05 SIGN REGULATIONS.

~~Signs necessary in directing traffic and providing essential information~~ Incidental signs shall be permitted. The number, ~~and~~ size ~~and placement~~ of such signs shall be the minimum necessary as approved by the Administrator.

(Ord. 1996-33. Passed 6-10-96.)

1121.06 ACCESS AND PARKING.

The driveways, parking areas, illumination of parking areas and pedestrian circulation systems shall be constructed in accordance with the objectives of this chapter and ~~standards established~~ the plans for such construction shall be reviewed and subject to approval by the Municipal Village Engineer.

(Ord. 1996-33. Passed 6-10-96.)

CHAPTER 1123
Park District

1123.01 Intent

1123.02 Permitted uses.

1123.023 Area, yard- and height regulations.

1123.034 Screening.

1123.01 INTENT.

In addition to the applicable provisions of the objectives intent stated in Section 1105.03, it is the intent of these district regulations to provide recreational land and facilities appropriately located and designed to serve primarily the local population in a safe and convenient manner while minimizing adverse impacts to adjoining residential areas

1123.042 PERMITTED USES.

In a Park District, buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses. ~~(1) Recreational-p~~Public parks, playgrounds and athletic fields; public or private swimming pools and associated bath houses.
- (b) Accessory Uses.
 - (1) Off-street parking and loading areas, driveways and walkways.
 - (2) Landscape features, fences, walls and hedges as regulated in Chapters 1142 and 1148 of the Planning and Zoning Code.
 - (3) Lighting structures, as regulated by Chapter 1148 of the Planning and Zoning Code and flag poles.
 - (4) Utility, maintenance, sanitation and storage facilities completely enclosed within permitted main buildings or suitably and attractively screened from view

Comment [JSL34]: No need to number if only one item. Or reformat to list of each item separately

1123.023 AREA YARD AND HEIGHT REGULATIONS.

In a Park District, land and structures shall be developed and maintained in accordance with the following area, yard -and height regulations. ~~(a) Lot Size, Front, Rear and Side Yards, Frontage, Lot Width and Lot Coverage. As determined by the Planning and Zoning Commission in accordance with the stated intent of -Section 1124.01 of this Planning and Zoning Code .~~

Comment [JSL35]: To allow for typical accessory buildings to recreational uses. Should we allow for limited accessory concession sales?

Comment [DM36]: Good question for the P&Z Commission

Comment [JSL37]: Per P&Z discussion January 2018 - no concession sales

1123.043 SCREENING.

The Planning and Zoning Commission may require screening on the lot of a proposed use or development in a Park District wherever that lot adjoins a residential district. Such screening shall be required if deemed necessary by the Planning and Zoning Commission ~~and to protect the privacy, welfare, value and character of the adjoining residential area.~~ The Planning and Zoning Commission shall determine if the standards for screening contained in Chapter 1142 of the Zoning Code shall apply.

**CHAPTER ~~1124~~
~~Park and~~
Institutional District**

Comment [CZ38]: We are going to split parks and institutions into different chapters and the zoning map will need to be changed by creating separate districts on the maps, with different colors in the legend and changing it as to each parcel which Planning Commission will need to review.

- 1124.01 Intent.**
- 1124.02 Permitted uses.**
- 1124.03 Area and height regulations.**
- 1124.04 Yard and buffer regulations.**
- 1124.05 Lighting.**
- 1124.06 Signs.**
- 1124.07 Screening.**
- 1124.08 Supplemental regulations.**

CROSS REFERENCES

Parks - see S. & P.S. Ch. 951
District established - see P. & Z. Ch. 1119

1124.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to provide governmental, civic, educational, ~~and religious, and recreational~~ facilities appropriately located and designed to serve primarily the local population in safety and convenience while minimizing adverse impacts to adjoining residential areas.
(Ord. 2014-71.- Passed 11-10-14.)

1124.02 PERMITTED USES.

In a ~~Park and~~ Institutional District, buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses.
 - (1) Educational. Primary and secondary schools, public or private, and preschool day care centers, but not including private trade or business schools, dance studios or similar uses permitted in a Retail Business District.
 - (2) ~~Recreational. Public parks, playgrounds and athletic fields; public or private swimming pools and associated bath houses, and golf courses.~~
 - (3)(2) Religious. Churches and templesPlaces of worship; cemeteries.
 - (4)(3) Governmental. Village hall, library, police station, fire station or ambulance service, sewer and water treatment service garages and yards and similar governmental services, provided that all such facilities are operated by or under contract to the Village.

(Ord. 1984-20. Passed 11-6-84.)

- (b) Accessory Uses.
 - (1) Off-street parking and loading areas, driveways and walkways.
(Ord. 1984-20. Passed 11-6-84.)
 - (2) Landscape features, fences, walls and hedges as regulated in Chapters 1142 and 1148.
(Ord. 1995-18. Passed 4-10-95.)
 - (3) Utility, maintenance, sanitation and storage facilities completely enclosed within

permitted main buildings or suitably and attractively screened from view. (Ord. 2014-71.- Passed 11-10-14.)

Comment [JSL39]: Ref 1142.07 and edit 1142.07 to include all of these uses.

- (4) Rooftop mechanical equipment necessary for the normal operation of a permitted use.
- (5) Signs, as regulated in Chapter 1143 and in Section 1123.07.
- (6) Lighting structures, as regulated by Chapter 1148 of the Planning and Zoning Code and flag poles. (Ord. 1984-20.- Passed 11-6-84.)
- (7) Limited sales incidental to the main use and completely enclosed within an otherwise permitted main building and further provided that such use has no outside identification or direct customer entrance.

(Ord. 2014-71.- Passed 11-10-14.)

1124.03- AREA AND HEIGHT REGULATIONS.

In a Park and an Institutional District, land and structures shall be developed and maintained in accordance with the following area and height regulations.

(a) ~~Lot Size and Width. As determined by the Planning and Zoning Commission to provide adequate areas for off-street parking, yards, etc.~~

~~(Ord. 1984-20. Passed 11-6-84.)~~

(a) ~~(b) Building Coverage.~~ Twenty-five percent (25%) of lot area, maximum for all main and accessory buildings. (Ord. 1987-19. Passed 9-28-87.)

~~(e) (b) Height.~~

~~(1) Main buildings.~~ Three stories maximum and not exceeding ~~forty-three~~ forty-three feet.

~~(2) Accessory structures.~~ Eight feet maximum for fences and walls, except fifteen feet maximum for fences necessary to enclose tennis courts; fifteen feet maximum for other accessory structures.

~~(3) Exceptions to height limitations.~~ Rooftop mechanical equipment, steeples, spires, cupolas, domes and similar features that do not add additional floor area to the main building may extend a maximum of ten feet above the highest point of the building on which they are located. Rooftop mechanical equipment shall be set back from any building face a distance at least equal to the height by which it exceeds the building- height. Approved lighting is exempt from the height limit established in subsection (c)(2) hereof.

(Ord. 1984-20. Passed 11-6-84.)

Comment [DM40]: If we only intend one building for a main use, why is buildings plural here.

Comment [DM41]: Consider we are limiting religious institutions to 35' height.

Comment [JSL42]: I read the plural to refer to all buildings within the district not per lot but see xxx for revision to address that issue.

Comment [JSL43]: P&Z review height plus exception to determine if adequate

Comment [JSL44]: Some communities allow exception with additional setback ie For each three (3) feet by which the height of such structure exceeds the maximum height otherwise permitted in the district, the applicable side and rear yards shall be increased an additional foot

1124.04- YARD AND BUFFER REGULATIONS.

In a Park and an Institutional District, land and structures shall be developed and maintained in accordance with the following yard and buffer regulations. Landscape features, fences, walls and signs shall be permitted in required yard and buffer areas, provided that such uses conform to applicable regulations of this Planning and Zoning Code. Other accessory uses are permitted in required yards only in accordance with the buffer regulations of subsection (b) hereof.

(a) Yards. The minimum yard depth from a lot line to a main building shall be as set forth below.

Yard	Minimum Yard Depth (feet)		
	‡To street R.O.W. line	‡To res. district line	- ‡To other lot line
Front	35	-	-
Side (each)	20	40*	20
Rear	20	40**	20

* but no less than 20% of lot width at the actual building line.
 ** but no less than 20% of lot depth.

(b) Buffers. The minimum buffer depth from a lot line to an accessory structure or use shall be as set forth below.

Accessory Use	Minimum Buffer Depth (feet)		
	To street R.O.W. line	To res. district line	To other lot line
Buildings	*	20	10
Surface parking area	*	15	5
Drives	*	15	5
Lighting/Flag poles	5	20	5
Recreation facilities	*	40 20	10
Walkways	0	5	5

* Not permitted in front yards except that drives are permitted only as necessary in providing access to a public right of way
 (Ord. 1984-20. Passed 11-6-84.)

~~(c) Minimum Lot Area. The minimum lot area shall be~~

~~(d) Lot Width. Minimum lot width shall be~~

Comment [CZ45]: The Planning and Zoning Commission should determine the minimums here.

~~**1123.05 RESERVED.**~~

~~EDITOR'S NOTE: Former Section 1123.05 was deleted by Ordinance 2014 71. This section is reserved for future legislation.~~

~~**1124.06 LIGHTING.**~~

~~Floodlighting Lighting shall be regulated by Chapter 1148 of the Planning and other Zoning Code, and in addition to such regulations, all exterior lighting of recreational facilities, buildings and parking areas shall be located and designed so as to shield the light source from adjoining residences and, except for lighting, other than those determined by the Administrator Chief Administrative Officer to be for safety purposes, shall be extinguished between the hours of 11:00 p. m. and 7:00 a.m.~~

~~(Ord. 1984-20. Passed 11-6-84.)~~

~~**1124.07-06 SIGNS.**~~

~~One bulletin board displaying the name and activities of a church, temple, library, primary or secondary school, or municipal facility shall be permitted as a freestanding or wall sign on the premises of such use provided that no such sign exceeds twenty-five square feet in area. If freestanding, such sign shall be set back from each lot line a minimum distance of fifteen feet and shall not exceed six feet in height. All other regulations of Chapter 1143 applicable in nonresidential districts shall apply to signs in a Park and Institutional District. Signage in the Institutional District shall be regulated by Chapter 1143 of the Planning and Zoning Code.~~

Comment [JSL46]: Do we need this here as it is the same cross reference as 1123.02 ?

(Ord. 1984-20. Passed 11-6-84.)

~~—1124.08-07 SCREENING.~~

~~—The Planning and Zoning Commission may require screening on the lot of a proposed use or development in a Park and Institutional District wherever that lot adjoins a residential district. Such screening shall be required if deemed necessary by the Planning and Zoning Commission to protect the privacy, welfare, value and character of the adjoining residential area. The standards for screening contained in Sections ~~1142.06(b) and (c)~~ shall apply. 1142.06(b) and (c) of the Planning and Zoning Code shall apply.~~

Field Code Changed

(Ord. 1984-20. Passed 11-6-84.)

1124.09-08 SUPPLEMENTAL REGULATIONS.

—For regulations regarding off-street parking and loading, landscaping, signs and environmental performance, refer to Chapters 1141-1144.

(Ord. 1984-20. Passed 11-6-84.)

CHAPTER 1125

Residential Districts: Detached One and Two-Family

- 1125.01** Intent.
- 1125.02** Permitted uses.
- 1125.03** Area, yard and height regulations: main buildings.
- 1125.04** Area, yard and height regulations; accessory structures.
- 1125.05** Home occupations; renting of rooms.
- 1125.06** Landscaping requirements.
- 1125.07** Visibility at intersections.
- 1125.08** Supplemental parking regulations.
- 1125.09** Keeping chickens.

CROSS REFERENCES

- Night parking of commercial vehicles - see TRAF. 351.15
- Home occupation defined - see P. & Z. 1107.11
- Signs permitted - see P. & Z. 1143.04(h)

1125.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to promote development of low-to-medium density housing under conditions which maximize safety and minimize environmental disturbances to residents.
(Ord. 1984-20. Passed 11-6-84.)

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 below.

(a) Main Uses.

- (1) In R1-100, R1-60 and R1-50 Districts: one-family detached dwellings.
 - (2) In an R2F District: one and two-family detached dwellings.
- (Ord. 1984-20. Passed 11-6-84.)

(b) Accessory Uses.

- (1) Garages, driveways and walkways.
 - (2) Private swimming pools and other private recreational uses.
 - (3) Landscape features and private gardens as regulated in Chapter ~~1142~~ 1142.
 - (4) ~~Fences, and walls and hedges 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.
- (Ord. 2014-57.- Passed 10-13-14.)

Comment [JSL47]: 1F and 2F are not subject to 1142 per 1142.02. they are subject to 1125.06

Field Code Changed

Field Code Changed

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

— Lots in R1 and R2F Districts shall be occupied by no more than one ~~dwelling unit residential building~~ per lot, and further, shall be developed and maintained in accordance with the following regulations.

				<u>R2F</u>
	<u>R1-100</u>	<u>R1-60</u>	<u>R1-50</u>	<u>1F/2F</u>
(a) Lot size, minimum (sq. ft.)	20,000	9,000	6,000	6,000/ 8,000
(b) Lot width at building line, minimum (ft)	100	60	50	50/60
(c) Street frontage: minimum (ft.)*	100	60	50	50/60
(d) Lot depth: minimum (ft.)	160	120	100	100/120
(e) Coverage by main building, maximum	18%	20%	24%	24%/27%
(f) Front yard depth, minimum (ft.)	50	35	30	30/30
(g) Side yard depth, minimum (ft.)	-	-	-	-
- w/attached garage: each side	10	5	3	3/5
- total	24	12	8	8/12
- w/detached garage: each side	14	5	3	3/5
- total	28	15	12	13/15
- corner lots, from side street **	10	10	10	10/10
(h) Rear yard depth, minimum (ft.)	50	40	30	30/30
- -	(or 30% of depth, whichever is less)			
(i) Dwelling unit area, minimum (sq. ft.)	-	-	-	-
- 1 - story building	1,200	950	800	750/950
- 2 - 2 1/2 story building	1,500	1,250	1,100	800/1,100

*except as permitted in subsection (m) hereof

** except as regulated in subsection (n) hereof

(Ord. 1998-41. Passed 6-8-98.)

- (j) Height. The height of a dwelling shall not exceed two and one-half stories or thirty- five feet above finished grade. The Architectural Board of Review shall determine finished grade. Chimneys and antennae located on the dwelling may exceed this limitation but are limited to a maximum height of fifteen feet above the roof line. (Ord. 1984-20.- Passed 11-6-84.)
- (k) Projection of Building Features into Required Yards.-
 - (1) Certain architectural features may project from a dwelling into any required yard a maximum distance of three feet.- However, no such feature shall extend to within three

Comment [DM48]: Decide if we will refer grade to the ARB or just have a review by the Village Engineer.

Comment [JSL49]: ABR already has this authority per Charter VII-9. Restated here for clarity

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. 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.

(Ord. 2014-57.- Passed 10-13-14.)

- (l) ~~Modifications to Required Front Yard Depth. The Planning and Zoning Commission may reduce the required front yard depth in the following two circumstances. First, for a group of three or more contiguous one-family dwellings planned as a unit, the Commission may decrease the required front yard depth by a maximum of ten feet, for certain dwellings if the average depth of front yards for the group of contiguous dwellings is not less than the minimum established for single lots in the district. Second, for circumstance. For a lot located on a block which is occupied along at least fifty percent (50%) of its frontage by one or two-family detached dwellings, the Commission may establish a front yard setback equal to the average existing setback of dwellings located within 100 feet on either side of the lot proposed for development. However, the front yard depth shall not be less than two-thirds of that established in subsection (f) hereof.~~
- (m) Street Frontage on Curved Streets. For lots which front on a curved street segment, the minimum street frontage required in subsection (c) hereof shall be reduced in proportion to the degree of curvature. The minimum permitted street frontage for such lots shall be that distance which results from side lot lines drawn as radials of the circle(s) formed from the front lot line. (Ord. 1984-20. Passed 11-6-84.)
- (n) Garages.- Each ~~dwelling unit 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 ~~dwelling units 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.

— (Ord. 2014-57.- Passed 10-13-14.)

1125.04- AREA, YARD AND HEIGHT REGULATION; ACCESSORY 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. Accessory structures shall comply with the yard regulations of this Section.

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

- (1) The minimum interior dimensions of a detached garage shall be twenty feet in length and nineteen feet in width.
- (2) All accessory buildings, including detached garages, and detached Outdoor Recreational Fireplaces ~~for~~ each lot shall not exceed 700 square feet in total area and shall not occupy more than thirty percent (30%) of the ~~required rear yard~~.
- (3) Such buildings shall be located only in rear yards, a minimum distance of three feet from each lot line.- If the side or rear yard requirement is greater than three feet, architectural and entrance features may project into any required yard a maximum distance of three feet, but in no event shall such feature extend to ~~within less than~~ three feet ~~from~~ of any lot line.- For purposes of this subsection, architectural features shall include awnings, balconies, bay windows, belt courses, canopies, cornices, projecting eaves and other overhangs.- Entrance features shall include steps, landings, platforms and unenclosed porches.
- (4) For corner lots, the minimum distance from the side street line shall be five feet plus the setback for the main building.
- (5) For through lots not abutting alleys, the minimum distance from the rear lot line shall be twenty feet plus the average front yard depth of the adjoining lots having street frontage on the street opposite the front line of the through lot.- Where there are no adjoining lots, the minimum distance from the rear lot line shall be the required side yard setback plus five feet. (Ord. 2014-01.- Passed 2-23-04.)
- (6) The maximum height of an accessory building shall not exceed 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 eighteen feet in building height.- Where the computation results in a fractional unit, the requirement shall be rounded up to the closest foot.
- (7) No portion of an accessory building may be occupied for residential use.

Comment [JSL50]: P&Z to discuss

Comment [DM51]: We need to discuss the intent, and a better way to prescribe what is permitted within the setback?

Comment [JSL52]: I think the context for required yard is the main building setbacks. Accessory is permitted in the yard that is required for the main building.

(Ord. 2014-57.- Passed 10-13-14.)

- (b) Driveways.- Driveways shall be permitted in accordance with the following standards:
 - (1) Each dwelling unit~~residential building~~ shall be served by a driveway located on the same lot.
 - (2) Such driveway shall have a minimum width of eight feet and a maximum width of twenty feet at the intersection with the public right of way.
 - (3) The amount of improved area designed for parking and driveways in each required yard shall not exceed twenty-five percent (25%) of the front yard and thirty percent

Comment [JSL53]: Move last sentence of 1125.05(b) here since this is a universal requirement separate from the renting of rooms.