

ORDINANCE NO. 2016-78
INTRODUCED BY: MS. ROGOFF

3980

**AN ORDINANCE
AMENDING THE ZONING CODE OF THE VILLAGE OF CHAGRIN
FALLS AND AMENDING SECTION 1125.04 REGARDING
ACCESSORY BUILDINGS AND STRUCTURES.**

WHEREAS, the Planning and Zoning Commission has reviewed and discussed amendments to Section 1125.04 of the Zoning Code regarding recreational uses; and

WHEREAS, the Planning Commission on November 21, 2016 recommended to Council that they amend Section 1125.04 and 1125.04(d); and

WHEREAS, Council has held a Public Hearing on January 23, 2017 on this Ordinance; and

WHEREAS, Council desires to enact the foregoing amendments to the Zoning Code based upon the recommendations of the Planning and Zoning Commission.

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

SECTION 1. Section 1125.04 of the Zoning Code of the Village of Chagrin Falls is hereby amended by revising the first paragraph to read as follows:

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.

SECTION 2. The existing first paragraph of Section 1125.04 of the Zoning Code of the Village of Chagrin Falls, the full text of which follows, is hereby repealed.

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.

SECTION 3. Existing Section 1125.04(d) of the Zoning Code of the Village of Chagrin Falls is hereby amended in its entirety to read as follows:

(d) Recreational Uses.

- (1) Swimming pools. Swimming pools shall be located only in rear yards and shall be set back a minimum distance of ten feet from each lot line. Any swimming pool in which water may collect to a depth in excess of one and one-half feet shall be enclosed by a wall or fence as regulated in Chapter 1148.
- (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. This section shall not restrict the location of a basketball backboard.
- (3) Play Equipment . Play equipment shall be located only in side or rear yards. Play equipment with a footprint in excess of fifty (50) square feet in area or a height greater than six (6) feet shall be set back a minimum distance of ten 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 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.
- (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.
- C. Any Outdoor Recreational Fireplace that is detached from the dwelling shall not exceed twelve (12) 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. Outdoor Recreational Fireplaces shall be constructed of decorative brick or stone and shall have an equal level of finish on all sides.
 - E. 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 authorized.
 - F. 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. 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.

SECTION 4. The existing Section 1125.04(d) of the Zoning Code of the Village of Chagrin Falls, the full text of which follows, is hereby repealed.

(d) Recreational Uses.

(1) Swimming pools. Swimming pools shall be located only in rear yards and shall be set back a minimum distance of ten feet from each lot line. Any swimming pool in which water may collect to a depth in excess of one and one-half feet shall be enclosed by a wall or fence as regulated in Chapter 1148.

(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

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1148. None of the regulations shall be deemed to prohibit placement of a basketball backboard on a garage wall or roof.

SECTION 5. Attached hereto as Exhibit "A" are the revisions being made to Section 1125.04 showing the additional language and the language to be stricken for convenience purposes only.

SECTION 6. The existing Section 1125.04 of the Zoning Code of the Village of Chagrin Falls, to the extent inconsistent with the newly enacted provisions herein and any other Ordinance in conflict with this Ordinance are hereby repealed.

SECTION 7. 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 8. 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 9. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: _____, 2017

Karl Maersch, Council President

Submitted to the Mayor for
his approval on this

_____ day of _____, 2017

Approved by the Mayor

_____, 2017

Mayor William Tomko

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I hereby certify that Ordinance No. 2016-78 was duly enacted on the ____ day of _____, 2017, 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

EXHIBIT "A"

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. Swimming pools shall be located only in rear yards and shall be set back a minimum distance of ten feet from each lot line. Any swimming pool in which water may collect to a depth in excess of one and one-half feet shall be enclosed by a wall or fence as regulated in Chapter 1148.
 - (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 on a garage wall or roof.
 - (3) Play Equipment. Play equipment shall be located only in side or rear yards. Play equipment with a footprint in excess of fifty (50) square feet in area or a height greater than six (6) feet shall be set back a minimum distance of ten 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 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.
 - (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.
 - C. Any Outdoor Recreational Fireplace that is detached from the dwelling shall not exceed twelve (12) 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. Outdoor Recreational Fireplaces shall be constructed of decorative brick or stone and shall have an equal level of finish on all sides.
 - E. 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 authorized.
 - F. 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. 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