

ORDINANCE NO. 2016-75
INTRODUCED BY: MAYOR & COUNCIL

3977

AN ORDINANCE
AMENDING THE ZONING CODE OF THE VILLAGE OF CHAGRIN
FALLS AND AMENDING SECTIONS 1107.22 AND 1111.07 AND
PROVIDING FOR USE VARIANCES WHEN AN UNNECESSARY
HARDSHIP EXISTS.

WHEREAS, the Planning and Zoning Commission has reviewed and discussed amendments to Chapter 1107 and 1111 of the Zoning Code regarding use variances; and

WHEREAS, the Planning Commission on February 22, 2017 recommended to Council that they amend Sections 1107.22 and 1111.07 of the Zoning Code of the Village of Chagrin Falls as hereinafter set forth; and

WHEREAS, Council has held a public hearing on March 27, 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 1107.22 of the Zoning Code of the Village of Chagrin Falls is hereby amended in its entirety to read as follows:

“Variance” means an adjustment of this Zoning Code allowing either area or use variances, when the applicable factors set forth in Section 1111.07 of the Zoning Code weigh in favor of the granting of the variance.

SECTION 2. The existing Section 1107.22 of the Zoning Code of the Village of Chagrin Falls, the full text of which follows, is hereby repealed.

“Variance” means an adjustment of this Zoning Code, permitted in instances where a literal application of these provisions would result in undue hardship as a result of some peculiar or unique condition or circumstances pertaining only to the zoning lot in question.

SECTION 3. The existing first paragraph of Section 1111.07 of the Zoning Code of the Village of Chagrin Falls is hereby amended in its entirety to read as follows:

The Board of Zoning Appeals, and in the case of a review of the Board of Zoning Appeals’ decision by Council, may, in specific cases, vary, modify or waive the application of certain provisions of this Zoning Code, after making findings of fact setting forth the reasons therefor, in order that the public health, safety, convenience, comfort and general welfare

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may be safeguarded and substantial justice done; provided, that variances shall not be granted for uses not permitted in the zoning district applicable to the property, unless a literal application of this Zoning Code would result in an unnecessary hardship that (i) was not self-created, (ii) is due to unique conditions existing on the property, (iii) the property cannot be used for the purposes for which it is zoned, (iv) will not violate the spirit of the Zoning Code, and (v) results from special conditions unique to the property being reviewed. Area variances may be granted on the basis of a finding of a practical difficulty. While no single factor controls in the determination of a practical difficulty, the factors to be considered and weighed include, but are not limited to:

SECTION 4. The existing first paragraph of Section 1111.07 of the Zoning Code of the Village of Chagrin Falls, the full text of which follows, is hereby repealed:

Council may, in specific cases, vary, modify or waive the application of certain provisions of this Zoning Code, after making findings of fact setting forth the reasons therefor, in order that the public health, safety, convenience, comfort and general welfare may be safeguarded and substantial justice done; provided, that variances shall not be granted for uses not permitted in the zoning district applicable to the property. Area variances may be recommended to Council on the basis of a finding of a practical difficulty. While no single factor controls in the determination of a practical difficulty, the factors to be considered and weighed include, but are not limited to:

SECTION 5. That existing Sections 1107.22 and 1111.07 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 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 and Charter.

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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

I hereby certify that Ordinance No. 2016-75 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