

ORDINANCE NO. 2015-4

**AN ORDINANCE
AMENDING SUBSECTION 1141.15(b) OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF WAITE HILL, OHIO, TO
MODIFY THE PERMITTED SIDE YARD SETBACK FOR
DETACHED ACCESSORY BUILDINGS IN THE R-3 SINGLE
FAMILY RESIDENCE DISTRICT.**

WHEREAS, Council desires to amend existing Subsection 1141.15(b), Schedule 1141.15 of the Codified Ordinance to modify the permitted side yard setback for detached accessory buildings, including garages, barns and stables, coops, and sheds, in the R-3 Single Family Residence District; and

WHEREAS, this Ordinance has been referred to the Planning and Zoning Commission for a report and recommendation; and

WHEREAS, Council has held a public hearing prior to the enactment of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, LAKE COUNTY, STATE OF OHIO:

SECTION 1. That existing Subsection 1141.15(b), “Schedule 1141.15, Permitted Accessory Structures in Front, Side and Rear Yards,” of the Codified Ordinances of Waite Hill, Ohio, is amended as follows:

“1141.15 ACCESSORY USES AND STRUCTURES.

Accessory uses, buildings, and structure permitted in residential districts and associated with a one-family detached dwelling, shall conform to the location, coverage, area, and maintenance standards contained in this Section and this Code. No accessory building or use shall be established on a lot unless a principal building or use has first been established on the lot in conformance with all applicable provisions of this Zoning Code. No accessory building shall be used, enlarged, restored or maintained in such a manner as to become the main or principal use, nor shall such use be designated as an accessory use for the purpose of avoiding the intent and purpose of any provision of this Zoning Code.

(b) Schedule 1141.15 Permitted Accessory Structures In Front, Side And Rear Yards:

Schedule 1141.15				
Permitted Accessory Structures in Front, Side and Rear Yards				
Use	Yard Permitted	Minimum Setback from Lot Line		
		Front	Side	Rear
(1) Detached accessory buildings, including garages, barns and stables, coops, and sheds	Rear, Side	NP	25 feet ^(a) 50 feet ^(b)	50 feet
(2) Driveways	Front, corner, side, side, rear	NA	10 feet ^(bd)	10 feet ^(bd)
(3) Fences, walls	Front, corner, side, side, rear	0 ft.	0 ft.	0 ft.

(4) Private swimming pools ^(ac)	Rear	NP	See also Section 1141.15(f)	
(5) Other accessory structures such as but not limited to tennis courts, recreational equipment, etc.	Rear	NP	50 feet	50 feet
(6) Outdoor storage of recreation vehicles/equipment	Rear	See also Section 1141.15(i)		
<p><u>Notes to Schedule 1141.15:</u></p> <p>(a) See also Section 1141.15(f) Applicable only to the R-3 Single-Family Residence District.</p> <p>(b) During the site plan review process, an applicant may request that the Planning and Zoning Commission consider an exception to the setback requirement for driveways when site conditions, such as topography; existing buildings; existing trees/landscaping; or similar factors, necessitate a lesser driveway setback. Applicable only to the R-10 Single-Family Residence District.</p> <p>(c) See also Section 1141.15(f)</p> <p>(d) During the site plan review process, an applicant may request that the Planning and Zoning Commission consider an exception to the setback requirement for driveways when site conditions, such as topography; existing buildings; existing trees/landscaping; or similar factors, necessitate a lesser driveway setback.</p> <p>NA Not Applicable NP Not Permitted</p>				

* * *"

SECTION 2. That existing Subsection 1141.15(b), Schedule 1141.15 of the Codified Ordinances of Waite Hill, Ohio, and any ordinances in conflict herewith, be and are hereby repealed.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the Village of Waite Hill.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

Council President

Submitted to the Mayor
for his approval on this
_____ day of _____, 2015

Approved by the Mayor

ATTEST:

_____, 2015

Clerk-Treasurer

Mayor