

**ORDINANCE NO. 2017-24 (AMENDED)
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 1160.04 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED
“ACCESSORY USES, BUILDINGS, AND STRUCTURES”,
AND DECLARING AN EMERGENCY**

WHEREAS, an amendment to the City’s Planning and Zoning Code with regard to Accessory Uses has been referred to the Planning Commission for review; and

WHEREAS, the Planning Commission reviewed the proposed amendment on April 27, 2017, and unanimously approved this amendment to the City’s Planning and Zoning Code; and

WHEREAS, the same has been submitted to this Council for consideration, and for adoption upon the recommendation of the Lyndhurst Planning Commission; and

WHEREAS, all public hearings have been conducted, and all necessary public notices have been made and copies provided for public review. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. Section 1160.04 of the Codified Ordinances of the City entitled “ACCESSORY USES, BUILDINGS, AND STRUCTURES” is hereby amended to read as follows (New material appears like THIS, deleted material appears like ~~this~~):

1160.04 ACCESSORY USES, BUILDINGS AND STRUCTURES.

(a) The following accessory uses, buildings and structures are permitted on lots in which the main use is a dwelling:

(1) Private garages and private parking areas.

A. A private garage with a minimum floor area of at least 500 square feet may be erected in or on the same lot with the main building. An additional floor area of 100 square feet may be provided for each 2,500 square feet of lot area by which the lot area exceeds 5,000 square feet, and such ratio may be prorated. In no case, however, shall any such garage on one lot exceed a total floor area of 775 square feet. Not more than one garage, whether attached or detached, shall be permitted on any one lot. A lot having an attached garage may be permitted to have a detached garage, provided, that the attached garage is properly converted to a habitable part of the main dwelling house and that the detached garage meets all of the required yard and area requirements of this Zoning Code pertaining to detached garages. Further, the existing driveway shall be removed and relocated as determined to be necessary by the Building Commissioner in order to maintain the character and aesthetics of the lot and the neighborhood.

B. A detached private garage in the Single-Family District shall be located back of the rear wall of the main building and not closer than ten feet therefrom, but this provision shall not apply to a garage not over fifteen feet in height connected to a dwelling by a breezeway.

C. In the Single-Family District, a detached private garage may be located on the rear or side lot line which is not a street side of a corner lot, provided the wall of such accessory building is constructed of fireproof material, but if the same is not provided with such fire protection, such private garage shall not be located closer than three feet from such rear or side lot line. In the case of a corner lot whose rear line is on the side line of a lot in a Residential District, no accessory building shall be placed closer than ten feet to such rear line, nor closer than fifteen feet to the street line on the side of the lot, nor closer than any setback building line which applies to such street line.

(2) Parking of commercial vehicles.

A. In Residential Districts, the parking or storage of commercial vehicles is prohibited, except for service or delivery to premises, provided that such parking or storage of commercial vehicles shall not extend beyond a single twenty-four hour period.

B. An occupier or resident in a Residential District who uses a commercial vehicle in his or her occupation will be permitted to store such commercial vehicle out of view, in a garage which is an accessory use permitted under this Zoning Code, overnight only.

C. Commercial vehicles permitted to be stored within an enclosure, as permitted by paragraph (a)(2)B. hereof, shall not exceed three-quarter ton capacity.

D. As used in this section, "commercial vehicle" is defined as follows:

1. Any vehicle with current state-issued license plates attached, with the designation "truck" or "commercial"; or

2. Any vehicle used for commercial purposes or in a commercial enterprise, which vehicle is marked or identified by lettering, symbols or signs relating to such commercial purpose or enterprise, or, if not so identified, has attached thereto scaffolding, ladders, plows, cranes, hoists, backhoes or other tools and devices that are being used for such commercial enterprise.

The term "commercial vehicle" shall not include vehicles licensed as passenger-type vehicles, as defined in Ohio R.C. 4501.01(E), or noncommercial motor vehicles, vehicles displaying license plates issued to a handicapped person or vehicles displaying a valid parking card issued by the State of Ohio to handicapped persons, unless used as provided for in paragraph (a)(2)D.2. hereof.

E. Commercial vehicles that are prohibited from parking in residential areas under the provisions of Sections 1160.04 and 1164.04 of these Codified Ordinances may be legally parked overnight from Monday through Friday in designated parking areas upon application for, and issuance of, a parking permit. Said permit shall be issued on a monthly basis, and the charge shall be as set from time to time by Council. Any vehicles parked in accordance with this Section shall not be parked prior to 7:00 p.m. on any night, and shall be removed prior to 7:00 a.m. the next day.

F. Commercial vehicles that are prohibited from parking in residential areas under the provisions of Sections 1160.04 and 1164.04 of these Codified Ordinances may be legally parked on weekends in designated parking areas upon application for, and issuance of, a parking permit. Said permit shall be issued on a monthly basis, and the charge shall be as set from time to time by Council. Any vehicles parked in accordance with this Section shall not be parked prior to 7:00 p.m. on Friday, and shall be removed prior to 7:00 a.m. on Monday.

G. The failure to apply for and receive a permit in accordance with this Section shall subject the vehicle owner to sanctions pursuant to Section 1160.04 or 1164.04 of these Codified Ordinances.

(3) Parking of recreational vehicles.

A. Definitions. As used in this section, "seasonal recreational vehicle" means and includes the following recreational equipment:

1. "Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a "travel trailer" by the manufacturer with or without cooking facility;

2. "Pick-up camper" means a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses, with or without cooking facility;

3. "Motor home" means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consumption of food and for sleeping, and identified as a "motor home" by the manufacturer;

4. "Folding tent trailer" means a canvas folding structure, mounted on wheels and designed for travel and vacation uses;

5. "Boats" and "boat trailer" mean and include boats, floats, snowmobiles and rafts, plus the normal equipment to transport the same on the streets and highways;

6. "Trailer" means a cart or wagon used for hauling boats, floats, rafts, canoes, jet skis, snowmobiles, motorcycles and other recreational equipment and devices and designed to be pulled by a motor vehicle; and

7. "Equipment Trailer" means a cart or wagon used for utility purposes, i.e. hauling landscaping materials, furniture and household goods, plus the normal equipment to transport the same on the streets and highways.

B. Regulations. No person shall park or store recreational equipment on any street or highway or on public or private property within the City, except on residential property as hereinafter provided. Any owner of recreational equipment may park or store such equipment on property owned by him or her in accordance with the following conditions:

1. Recreational equipment with the exception of Motor Homes and/or other recreational equipment or trailers in excess of 24 feet in length may only be parked on residential property in the City between the dates of May 1 through October 1. Winter recreational vehicles (ie: snowmobiles) may be parked between November 15 through March 15. Motor Homes in excess of 24 feet in length and/or other recreational equipment or trailers in excess of 24 feet in length may only be parked on residential property for a maximum of 10 days for loading/unloading, cleaning, charging, or preparing the motor home.

2. Recreational equipment parked shall not have fixed connections to electric, water, gas or sanitary facilities (except got temporary connections to prepare of recharge) and at no time shall this equipment be used for living or sleeping purposes.

3. If the recreational equipment is parked outside of a garage it must be parked on a hard surface driveway or turnabout approved by the City.

4. All recreational equipment must be kept in good repair, including, but not limited to, coverings and paint finish and must carry a current year's license or registration and not a commercial registration.

5. No recreational vehicle parked may extend into or within 10 feet of the Public Right of Way.

6. No more than one recreational vehicle shall be parked outside of a completely enclosed structure on any property within the City.

7. Upon notice to the Police Department, exceptions to these parking restrictions are permitted to facilitate loading or unloading or to accommodate parking of a recreational vehicle owned by guests of City residents for a period of time not to exceed ten days.

- (4) Professional offices and home occupations. Home occupations, as well as professional offices that provide an office in the home of a person practicing any of the recognized professions, including, but not limited to, accountant, architect, artist, clergyman, dentist, engineer, lawyer, physician, realtor, appraiser, photographer, planner or mental health counselor, may be conducted in the dwelling used by such person as his or her personal residence, provided that the following conditions are met:

A. NO HOME OCCUPATION SHALL BE CONDUCTED UNTIL AN APPLICATION FOR A HOME OCCUPATION PERMIT IS REVIEWED AND APPROVED BY THE BUILDING COMMISSIONER ACCORDING TO THE STANDARDS SET FORTH HEREIN.

~~B~~ A. No person is employed other than members of his or her immediate household;

~~C~~ B. The home occupation or professional office generates no outdoor storage of materials, equipment or vehicles;

~~D~~ C. Such home occupation or professional office occupies no more than twenty-five percent of the total ground floor area of the dwelling;

~~E~~ D. The home occupation or professional office is conducted wholly within the dwelling;

~~F~~ E. No equipment is used which will create objectionable disturbances beyond the premises;

~~G~~ F. No window display or signboard is used to advertise such occupation, other than a name plate attached to the dwelling, as provided for in Section 1170.08, which may designate such occupation thereon along with the occupant's name and address; and

~~H~~ G. The home occupation or professional office does not change the residential character of the dwelling exterior.

I. THE HOME OCCUPATION SHALL NOT ALLOW DISPLAY FOR SALE OR SALES OF RETAIL GOODS NOT MANUFACTURED OR FABRICATED ON THE PREMISES

J. HOME OCCUPATION PERMITS SHALL NOT BE TRANSFERABLE AND SHALL NOT RUN WITH THE LAND. ALL HOME OCCUPATION PERMITS SHALL EXPIRE UPON THE SALE, TRANSFER OR LEASE OF THE PROPERTY TO A NEW OWNER OR TENANT..

(5) Gardens and household pets

A. Maintenance of livestock. Maintaining or harboring of livestock or fowl is expressly prohibited.

B. Fruits and vegetables; pets. The raising for private use of fruits, vegetables or nursery stock, and the keeping of household pets, are permitted in Single-Family Districts, provided that:

1. Household pets shall be construed to include dogs, cats, rabbits, canaries, parakeets, fish and other domestic animals and birds, but shall not include snakes, livestock, fowl, mules, donkeys, cows, bulls, swine, sheep, goats or tamed wild animals and wild birds.

2. In addition, the keeping of all permitted animals must conform to the provisions of Chapter 618 of the General Offenses Code.

(6) Storage sheds. Storage sheds shall be permitted to be placed or erected within the rear yard of all Single-Family Residential Districts, subject to the following specific limitations and/or conditions:

A. Storage sheds shall not exceed 120 square feet in area, nor be greater than eleven feet in height from finished grade, except that storage sheds to be placed in rear yards comprising less than forty feet, measured from the rearmost part of the rear wall of the dwelling house to the rear property line, shall not be greater than eighty square feet in area, nor be greater in height than ten feet.

B. No part of a storage shed shall be located closer than three feet to a rear or side property line, except in the case of a corner lot, in which case no part of the shed shall be located closer than ten feet to a side line of an abutting residential lot, nor be closer than twenty feet to the street line.

C. Storage sheds shall be wholly of wood or face brick construction.

D. Storage sheds shall be located in accordance with the above and the location shall be approved by the Building Department. If the Building Department, upon viewing the site, determines that a shed placed or erected according to these regulations will be injurious to, or cause a nuisance to, abutting property owners, the Department shall not issue a permit. In making such determination, the Building Department shall take into consideration the following factors:

1. The size of the lot;
2. The shape of the lot; and
3. The location of the main structure on the lot when compared to abutting properties.

Any party from whom a permit is withheld shall have recourse to the Board of Zoning Appeal, which shall make the final determination.

E. Storage sheds shall be placed or erected on a four-inch concrete pad. Storage sheds shall not have open areas beneath the floor that would attract animals or rodents.

F. Approved storage sheds shall be permitted to remain on the lot or premises for which a permit was issued, provided such shed is maintained in a good and sound structural condition, is kept neat and clean in appearance, and is maintained in accordance with the applicable maintenance provisions of the Building and Housing Code of the City.

G. Two sets of drawings (drawn to scale) are required of the proposed shed along with a completed application form. Drawings are to include a site plan, a foundation plan and elevations of each side. Dimensions are to be clearly noted on the drawings along with a materials list.

H. A permit is required before the placement or erection of a storage shed or the relocation and/or reconstruction of an existing storage shed.

I. Storage facilities shall be permitted to be placed or erected on a parcel of land which currently contains a lawful, conditional use in a Single-Family Residential District so long as such building or facility meets the following requirements and regulations:

1. The location of any such storage facility shall be approved by the Planning Commission;
2. Such facility shall be designed, constructed, operated and maintained so as to be harmonious with and appropriate in appearance to the existing or intended character of the general vicinity and shall not have a detrimental affect, economically or aesthetically, upon surrounding properties, all as determined by the Planning Commission;
3. Said facility shall not be hazardous or disturbing to existing or future neighboring uses;
4. Such facility will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance;
5. Such facility shall be adequately buffered and screened from surrounding properties and a landscape plan to accomplish the same shall be submitted to the Building Department and approved by the Architectural Board of Review; and
6. The exterior appearance of said facility shall be approved by the Architectural Board of Review to promote the general welfare and prosperity of the community and to assure orderly and reasonably harmonious development in the City and in each neighborhood thereof. The Architectural Board of Review shall apply the criteria set forth in Chapter 1327 of these Codified Ordinances to the extent that such criteria, in the opinion of the Architectural Board of Review, shall apply to such a facility.

- (7) Central air conditioning units. Central air conditioning condensers shall be permitted in any Single-Family Residential District, provided that such condensers are located in the side yard or rear yard only and do not extend closer to the side or rear lot line than the minimum side or rear setback requirement of the respective zoning district in which the premises are located, unless the adjacent property owner agrees to sign a side or rear setback waiver and the owner of the air conditioning unit can demonstrate to the Building Department that due to fuel efficiency, such an intrusion into a required side or rear yard is warranted and will not be a fire or safety hazard.
- (8) Outbuildings. In the Two-Acre Single-Family District, an outbuilding, in addition to a private garage and a storage shed, shall be permitted. The size thereof may not exceed one-third of the square footage of the main building, including the basement and garages where attached, subject to approval of the Architectural Board of Review. The regulations for locating such outbuilding shall be those applicable in paragraph (a)(6) hereof relating to storage sheds. Such outbuildings shall not be used for the storage or care of automobiles.
- (9) Recreational facilities. Recreational facilities such as swimming pools, patios, picnic grills, playhouses, children's playground equipment and swimming pool cabanas may be permitted in the rear yards of Residential Districts. Insofar as possible, all accessory uses should be combined into one structure. Architectural style, materials and colors of accessory buildings should conform to that of the main use structure. All recreational facilities shall meet the minimum side and rear setback requirements. In addition, all swimming pools must meet the requirements of Chapter 1363 of the Building and Housing Code.
- (10) Garage sales. Garage sales which involve the temporary sale of commodities, as regulated by Chapter 729 of the Business Regulation and Taxation Code shall be permitted.
- (11) Signs. Signs, as regulated by Chapter 1170, shall be permitted.
- (b) The following accessory uses, buildings and structures are permitted on lots where the main building is a public or private school, church or other conditionally permitted use, provided that compliance with paragraphs (b)(1) and (2) hereof may be reviewed by the City Planning Commission at the discretion of the Building Commissioner.
- (1) Off-street parking. Off-street parking on the same lot or parcel on which the main building is situated shall be permitted in accordance with the provisions of Chapter 1172.
- (2) Screening and landscaping.
- (3) Sales of certain commodities by charitable and religious organizations. Sales of certain commodities by charities and religious organizations, under the limitations set forth in Chapter 763 of the Business Regulation and Taxation Code, shall be permitted.
- (4) Recreational facilities. Recreational facilities, such as swimming pools, patios, picnic grills, playhouses, children's playground equipment and swimming pool cabanas, may be permitted in the rear yards of Residential Districts. Insofar as possible, all accessory uses should be combined into one structure. Architectural style, materials and colors of accessory buildings should conform to that of the main use structure. All recreational facilities shall meet the minimum side and rear setback requirements. In addition, all swimming pools must meet the requirements of Chapter 1363 of the City's Building and Housing Code.

SECTION. 2 All provisions of Chapter 1160 of the Codified Ordinances not specifically amended herein shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Lyndhurst and its residents in order to enforce the additional requirements as soon as possible. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: June 5, 2017

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on June 15, 2017 and June 22, 2017.

Clerk of Council

First Reading: April 17, 2017

Second Reading: May 1, 2017

Third Reading: May 15, 2017

Passed 6-5-2017