BEACHWOOD PLANNING AND ZONING COMMISSION AND
CITY COUNCIL JOINT MEETING AGENDA
THURSDAY, MAY 8, 2025, 2:00 PM
at **BEACHWOOD CITY HALL CONFERENCE ROOM A**
25325 Fairmount Boulevard, Beachwood, Ohio 44122

Agenda Items

1. Discussion regarding Ordinance No. 2025-5 – An Ordinance amending Various Sections of the City of Beachwood, Ohio Planning and Zoning Code
   Placed on First Reading and referred to Planning and Zoning Commission: February 3, 2025
   Planning and Zoning Commission Tabled item: April 24, 2025

2. Any other matters coming before the Commission or Council

# # #

INTRODUCED BY: ORDINANCE NO. 2025-5

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY OF BEACHWOOD, OHIO PLANNING AND ZONING CODE

WHEREAS, the City Planner and Building Commissioner have recommended amendments to the City's Planning and Zoning Code in response to property owner requests and discussions with Administrative Staff, Council, and the Planning and Zoning Commission, which amendments are attached hereto and fully incorporated by reference herein as "Exhibit A"; and

WHEREAS, these amendments are intended to promote public health, safety, and welfare by improving clarity of the Code, enhancing land use controls to enhance overall property values in the City, and simplifying interpretation of the Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1: The Council of the City of Beachwood, having received a recommendation from the City Planner and Building Commissioner for amendments to the City's Planning and Zoning Code, places this issue and said proposed amendments in "Exhibit A" hereto on first reading and refers the proposed amendments to the Planning and Zoning Commission for its study, report, and recommendation.

Upon receipt of the Planning and Zoning Commission's report and recommendation, Council shall place the proposed amendments on second reading and schedule a public hearing or refer the matter to a Committee of Council for consideration.

If a public hearing is scheduled, it shall occur no less than 30 days after receipt of the Planning and Zoning Commission's report and recommendation. If the Ordinance is referred to a Committee of Council, a public hearing shall be scheduled following the Committee's report.
This Ordinance shall be read by Council on three separate occasions, and its passage shall cause the proposed text amendments to the Code to become effective upon operation of law.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the ____ day of _____, 2025 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the ____ day of _____, 2025.

_____
Clerk

Approval: I have approved this legislation this ____ day of _____, 2025 and filed it with the Clerk.

_____
Mayor

EXHIBIT A

PROPOSED CODE AMENDMENTS

1. AMEND SECTION 1101.08 DEFINITION OF "BUILDING HEIGHT"
2. AMEND CHAPTER 153 "ARCHITECTURAL BOARD OF REVIEW"
3. DELETE CHAPTER 1145 "YARDS AND LINES" IN ITS ENTIRETY
4. DELETE CHAPTER 1143 "LOTS" IN ITS ENTIRETY
5. AMEND CHAPTER 1146 "FENCES, LANDSCAPING, AND DRIVEWAYS" BY MOVING SOME SECTIONS TO CHAPTER 1113 U-1 AND AMENDING OTHER SECTIONS
6. AMEND CHAPTER 1113 "U-1 SINGLE FAMILY RESIDENTIAL DISTRICT" TO INCLUDE ALL APPLICABLE REGULATIONS (OTHER THAN FENCES)

1101.08 BUILDING HEIGHT.

"Building Height" means the vertical distance from the finished grade at the ~~centerline, six feet (6') perpendicular to the front~~front building line, to the top of the highest roof beams of a flat roof or to the ~~mean level~~peak of the highest gable or ~~slope of a~~ hip roof. When a building faces on more than one street, Commission shall determine the front. The finished grade may not be less than the average finished grade across the width of the lot measured at the front building line.

CHAPTER 153
ARCHITECTURAL BOARD OF REVIEW

153.01 Established.
153.02 Qualifications of members.
153.03 Conflict of interest.
153.04 Organization.
153.05 Quorum.
153.06 Purpose.
153.07 Review and Approval Required.
153.08 Accessory Structures.
153.09 Appeals

CROSS REFERENCES
Power to establish - see CHTR. Art. VI, Sec. 1
Fee for review of plans and specifications - see BLDG. 1329.08
Sign Permits – see Section 1141.06

153.01 ESTABLISHED.

(a) There is hereby established an Architectural Board of Review which shall consist of three members, who shall be the Building Commissioner, the City Planner, and one additional member who shall be appointed by the Mayor and confirmed by Council for a term of three years. Current members of the Architectural Board who are not the appointed member shall serve as alternate members until the expiration of their terms.

(b) Vacancies shall be filled for the remainder of an unexpired term in the same manner as the original appointment. Any member of the Board shall be subject to removal by the Mayor, with the consent of Council, for cause. In the event of a temporary absence or unavailability of any appointed member, an alternate member is hereby authorized to replace the appointed member during the appointed member's unavailability. Such alternate member shall possess all of the qualifications of an appointed member, shall have the same powers and perform the same duties and shall receive the same compensation as an appointed member for each meeting attended.
(Ord. 2009-152. Passed 12-7-09.)

153.02 QUALIFICATIONS OF MEMBERS.

The appointed member of the Architectural Board of Review shall be a registered architect, duly registered and authorized to practice architecture in and under the laws of the State of Ohio, and shall have been actively engaged in the general practice of architecture as a registered architect in the State of Ohio for a period of not less than three years prior to

appointment to the Board.
(Ord. 2009-152. Passed 12-7-09.)

153.03 CONFLICT OF INTEREST.

No member of the Architectural Board of Review shall participate in the review of any work of which he or any partner or professional associate is the author, or in which he or they have any direct or indirect financial interest.
(Ord. 2009-152. Passed 12-7-09.)

153.04 ORGANIZATION.

The Building Commissioner shall serve as Chairman and shall be responsible for the proper administration of the Board and for scheduling regular meetings of the Board. If the Secretary is unavailable, one of the members of the Board shall act as Secretary for the meeting. The Secretary shall keep records of each Board meeting.
(Ord. 2009-152. Passed 12-7-09.)

153.05 QUORUM.

Two members of the Architectural Board of Review, one of whom shall be the appointed member, shall constitute a quorum, and its official action shall require the affirmative vote of not less than two members. It shall exercise the powers and duties herein provided for in accordance with the ordinances of the City and such laws of the State as may be applicable. The Board may adopt rules and regulations for its procedure.
(Ord. 2009-152. Passed 12-7-09.)

153.06 PURPOSE.

The purpose of the Architectural Board of Review is to preserve and protect the public health, safety and welfare by maintaining the high character of community development and protecting the real estate and its value in the City from impairment or reduction of value by regulating, according to architectural principles, the design, use of materials, finished grade lines and orientation of all new buildings, and by assuring that the appearance and aesthetics of building exteriors reasonably conform to City standards found in the area of the proposed building or addition to an existing building.
(Ord. 2009-152. Passed 12-7-09.)

153.07 REVIEW AND APPROVAL REQUIRED.

Each application for a building permit for:

(a) a new principal building;
(b) an addition to or expansion of an existing principal building;
(c) a commercial sign; or
(d) an accessory building of two hundred (200) square feet or greater

shall first be referred to the Architectural Board of Review for consideration. No building or sign permit for any of the above shall be issued without the prior approval of the Architectural Board of Review.

153.08 ACCESSORY STRUCTURES.

Accessory buildings of less than two hundred (200) square feet in area and accessory structures such as, but not limited to, pools, decks, pergolas, play equipment, and similar structures shall not require review and approval by the Architectural Board of Review, provided however, that the Building Commissioner may refer any such building or structure to the Architectural Board of Review for its consideration where the Commissioner has concerns as to whether such accessory building or structure fits and is appropriate in the neighborhood.

153.09 APPEALS.

Persons aggrieved by a final decision of the Architectural Board of Review with regard to approval of building plans may appeal such decision to the Planning and Zoning Commission provided that such appeal shall be filed within thirty (30) days after the date of the Architectural Board of Review's action.
(Ord. 2009-152. Passed 12-7-09.)

DELETE CHAPTER 1145 "YARDS AND LINES" IN ITS ENTIRETY

DELETE CHAPTER 1143 "LOTS" IN ITS ENTIRETY

CHAPTER 1146
FENCES~~, LANDSCAPING AND DRIVEWAYS~~

1146.01 Definitions.
1146.02 Fences.
~~1146.03 Landscaping.~~
~~1146.04 Driveways in Class U-1 Districts.~~
1146.99 Violations and penalties.

1146.01 DEFINITIONS.

Terms as used in this chapter shall have the following meanings:

(a) "Decorative or Ornamental Fence" means any type of free-standing open fence, except chain-link and wire fences.
(b) "Fence" means an elevated partition or barrier separating one lot from another lot or parts of the same lot and includes the material used for the fence, its support members and all related parts.
(c) "Fence Height" shall be measured from the existing predominant and prevailing ground grade level to the top of the fence. No berm, mound or base shall be created or constructed for the purpose of erecting a fence thereon so as to increase the permitted height of the fence from the level of the then existing natural grade.
(d) "Free-standing Fence" means a fence which is not connected at any point to the main building on the property.
(e) "Growing Landscaping" means grass, trees, bushes and other living plants.
(f) "Hardscape" means patios, walkways, fountains, decks, and other improved surfaces.
(g) "Open Fence" means a fence with at least twenty-five percent (25%) aggregate opening over the surface area of the fence with all openings equally distributed.
(h) "Snow Fence" means a flexible temporary ~~wood and wire~~ barrier which has an aggregate opening of fifty percent (50%) over the surface area of the fence and is designed and used for the sole purpose of limiting snow from drifting.
(i) "Garden Fence" means a temporary barrier which has an aggregate opening of fifty percent (50%) over the surface of the fence and which is intended and located so as to enclose and protect vegetables and other plants from animals.

1146.02 FENCES.

(a) Permitted Materials: Fences shall be constructed of wood, steel, aluminum, or PVC (polyvinyl chloride), formulated to resist impact and approved for ultraviolet stabilization, meeting requirements of ASTM D638. All fencing shall be structurally able to withstand weather conditions.

(b) Fences Permitted In U-1, U-2A, U-3, U-3C, and U-3A Use Districts: Fences are permitted on property zoned Class U-1, U-2A, U-3, U-3C, and U-3A according to the following regulations:

(1) Along side and rear lot lines, but not greater than six feet (6') in height where abutting land is zoned Class U-1, U-2A, U-3, U3-C or U-3A.

(2) Along side and rear lot lines, but not greater than eight feet (8') in height where the abutting land is zoned in any non-residential Use District.

(3) Within the rear yard, but not greater than six feet (6') in height.

(4) Ornamental fences within front yards provided that:

A. ~~An~~ No ornamental fence ~~by itself, or with other structures,~~ shall ~~not completely enclose~~exceed four (4) feet any area of a required front yard.

B. An ornamental fence shall not be located closer to any side lot line than the foundation wall on that side of the house.

C. No ornamental fence shall be erected closer than ~~twenty~~ ten feet (~~20'~~10') from the front property line.

~~D. The total of all ornamental fencing within the required front yard setback shall be less than fifty percent (50%) of the width of the lot.~~

(5) ~~Ornamental fences~~ Fences in the street side yard of corner lots, but not greater than six (6) feet in height or closer than ~~twenty~~ twelve (~~20~~12) feet from the right-of-way line.

(c) Fences Permitted in Non-Residential Use Districts:

(1) Along side and rear lot lines, but not greater than eight feet (8') in height.

(2) Within the rear yard, but not greater than eight feet (8') in height.

(3) Within front yard setbacks only as specifically authorized by the Commission.

(d) Prohibited Fences: The following fences are prohibited in the City:

(1) Wire fences constructed of material less than #11 AWG.

(2) Barbed wire fences.

(3) Fences charged with electricity.

(4) Fences forward of the required front yard setback, except for ornamental fences as regulated in subsection (b)(4) hereof or within non-residential districts as provided in subsection (c)(3) hereof.

(5) Snow fences greater than four feet (4') in height or used during the months of April through and including October.

~~(6) Fences located less than fifteen feet (15') from any driveway where the driveway is closer than fifteen feet (15') from a side lot line.~~

(~~7~~6) Fences not specifically permitted by this Chapter.

(~~8~~7) Fences not having a uniform color, material and design except as specifically authorized by the ~~Commission~~Building Commissioner.

~~(9) Any solid fence or any fence that does not comply with the definition of an Open Fence as set forth in Section 1146.01(g), provided however, that solid fences may be permitted in non-residential districts for screening and buffering as approved by the Commission.~~

(e) Construction Or Replacement; Permit Required: Before constructing or replacing any fence, except a snow fences or garden fences that enclose an area of less than two hundred (200) square feet, the owner shall apply for and be issued a permit by the Building

Commissioner. Fences for land zoned other than Class U-1 Single-Family District shall also require the approval of the Planning and Zoning Commission.

(f) Maintenance Of Fences: Fences shall be maintained with the same standards required of new fences, and the owner shall:

(1) Replace or repair any part that is rusted or rotted.

(2) Re-paint or re-stain any part where the paint or stain is faded, cracked or peeling.

(3) Repair or replace any part that is loose, bent, bowed or leaning.

(g) Nonconforming Fences: A nonconforming fence is defined as a fence which was constructed prior to the enactment of legislation regulating fences. Nonconforming fences shall be repaired and maintained, and shall be replaced with conforming fences if more than fifty percent (50%) of any such fence requires replacement, is destroyed or removed.

(h) Fences shall be designed, constructed and maintained so that the finished side faces the neighbor or the structure is equally attractive from the side of the adjoining property owner.

(i) Fences may be placed adjacent to the property line, but shall not be placed on the property line.

~~**1146.03 LANDSCAPING.**~~

~~(a) Height Of Hedges And Shrubbery: Shrubs, hedges or bushes adjacent to side yard lines in front of the building line and shrubs, hedges or bushes adjacent to and parallel with the public sidewalk for a distance of fifteen feet (15') from any driveway shall be planted and maintained so as not to exceed a height of two feet (2'). Prior to any prosecution for the violation of this section, the property owner shall be given ten (10) days written notice by the Chief of Police or his duly authorized representative.~~

~~(b) Shade Tree Planting: Any owner or builder of a house or other building which is constructed and erected within the City shall deposit seventy-five dollars ($75.00) with the Public Works Department to cover all expenses for the planting of shade trees on the tree lawn abutting such house or other building. One shade tree shall be planted for each multiple of thirty feet (30') to fifty feet (50') of frontage, depending on the tree lawn and type of tree to be planted, as determined by the Public Works Director. Corner lots require trees on both streets. A minimum of one (1) shade tree shall be planted for each house or other building, regardless of the frontage of the lot. The Building Commissioner shall not issue a building permit to any person engaged in the construction of houses or buildings for resale until such person has complied with this section.~~

~~(c) Landscaping of Residential Lots Required: Growing and/or non-growing landscaping is required on the entire lot, except for such portions as are occupied by the house, garage, driveway or other permitted improvements. Council hereby finds and determines that the required landscaping is necessary for the public peace, health, safety and welfare, to protect pedestrians, to prevent deterioration of property values and to prevent the wash-down of mud and other debris across sidewalks and into catch basins. Not more than fifteen percent (15%) of the total lot area shall consist of hardscape, parking areas, and driveways.~~

(d) Tree Lawns: Tree lawn areas shall only be planted with grass and/or City authorized street trees. No other improvements or landscaping shall be permitted within the tree lawn. No retaining walls, landscape timbers, or other landscape features shall be placed within twelve inches (12") of a public sidewalk. Damage to landscape features located within twelve inches (12") of a public sidewalk from snow plowing or sidewalk maintenance shall be the responsibility of the homeowner.

(e) Completion of Landscaping: Landscaping shall be completed within one hundred twenty (120) days following issuance of a certificate of occupancy unless such date occurs after October 1 of a year. In that event, the time for completion shall be extended to June 1 of the following year. However, should a certificate of occupancy not be issued within two hundred forty (240) days of the issuance of a building permit, then the builder or owner shall install the front yard landscaping within ninety additional days unless such date occurs after October 1 of a year. In that event, the time for completion shall be extended to June 1 of the following year.

(f) Emergency Improvements: The City may, as a condition of any building permit, enter upon single-family lots and make temporary emergency improvements required for the protection of the building, land or neighboring property. The City shall give reasonable notice to the person issued the building permit or others. The City may suspend the building permit until the cost for such emergency improvements if reimbursed to the City and/or it may assess such costs against the property.

(g) Maintenance of Landscaping in Single Family Residential Districts: The person who applies for and is issued required building permits or certificates of occupancy shall cause the landscaping required by this section to be installed as set forth in this section, and the continuing owners of the property shall maintain the lot in compliance with this Building Code. After it is installed as required, the original landscaping may be altered by the owner without an additional permit, provided that such alteration meets the standards of this Building Code. Owners of single-family homes shall install and maintain landscaping by planting, replanting or installing all of the growing things and maintaining other permitted landscaping features in good maintenance and repair, with the grass cut to a height not to exceed eight inches (8").

(h) Notice of Violations: The Building Commissioner shall give written notice to the owner, owner-tenant or person in charge of a single-family home found in violation of the Building Code. Such notice shall direct the installation and/or maintenance of landscaping and landscaping features as required by this section to be completed within five (5) days from the date the notice is to be delivered. If the owner, owner-tenant or person in charge cannot be located, the notice shall be delivered to the house occupying such lot and posted thereon, which delivery shall constitute sufficient notice under this subsection. A separate offense under this subsection shall be deemed committed each day a violation continues, but no additional notice, after the first notice, shall be required.

1146.04 DRIVEWAYS IN CLASS U-1 DISTRICTS.

Excluding the tree lawn, not more than forty percent (40%) of the required front yard area may be improved with driveways, parking areas, sidewalks, and other hardscape surfaces.

1146.99 VIOLATIONS AND PENALTIES.

Any person who fails to comply with any provision of the Chapter shall be guilty of a misdemeanor of the first degree and upon conviction thereof shall be subject to the penalties set forth in Section 101.99 of these Codified Ordinances.

CHAPTER 1113
U-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

1113.01 Permitted Uses.
1113.02 Accessory Uses.
1113.03 Lot Area Per Dwelling Unit
1113.04 Lot Width
1113.05 Lot Depth
1113.~~04~~ 06 ~~Location of building line~~Building Setback Line.
1113.~~05~~ 07 Side Yards
1113.~~03~~ 08 Rear Yards
1113.~~06~~ 09 House Size ~~districts~~.
1113.~~07~~ 10 Projections into and uses of required yards.
1113.~~08~~ 11 Maximum Height ~~regulations~~.
1113.12 Frontage Required
1113.13 Landscaping
1113.14 Driveways
1113.15 Fences
1113.~~09~~ 16 Cluster Development Alternate.

1113.01 PERMITTED USES.

In a Class U-1 District, no building or premises shall be used, and no building shall be erected which is designed, constructed or used, for any purpose other than a single-family detached dwelling, occupied and used by one family as defined in Section 1101.22, or a residential care facility as ~~set forth herein.~~defined in Section 1101.347.

1113.02 ACCESSORY USES.

~~An~~ The following accessory use~~s~~ ~~is~~ may be permitted in a Class U-1 District, provided that such accessory use is located upon the same lot or use to which it is accessory.

(a) Garages. Each dwelling shall have an enclosed garage space for at least ~~one (1)~~two (2) vehicle~~s~~, but the total garage floor area for any dwelling shall not exceed 1,050 square feet of gross floor area.

(b) Home Occupations. Home occupations are permitted for professional and business offices where each person employed in such business or profession actually resides at the residence. Such business or professional office shall not have any signage. No residence

may be used as a store, trade or business for the sale or storage of any merchandise or other property ~~declared unlawful by the laws of the United States, the State and/or the City~~. The sale of personal furniture and furnishings owned and used by the occupants may be sold as is otherwise regulated by City ordinance.

(c) Parking. The parking or storage of any truck, bus or other commercial vehicle is prohibited unless the vehicle is in actual use, performing a service or delivering or picking up merchandise or persons from the property, or unless such vehicle is parked entirely within an enclosed accessory garage located on the same lot as the residence. Motor vehicles shall be parked only within an enclosed garage or on a paved driveway. A motor vehicle which is not capable of operation on a public street or highway shall not be parked or permitted to remain outside of an enclosed garage. Parking spaces in U-1 Districts shall comply with the provisions of Chapter 1144.

(d) Roomers. Each residence may rent not more than one (1) bedroom to not more than two (2) persons as roomers.

(e) Accessory Recreation Structures. Accessory recreation structures, such as children's play equipment and fenced courts, may be permitted provided such accessory recreation structures:

(1) Are located in the rear yard behind the principal building;
(2) Are located a minimum of ten feet (10') from the rear lot line;
(3) Comply with the side yard setbacks contained in Section 1113.05.

Tree houses and accessory recreation structures are not included in the definition of "building" or "structure" as set forth in Section 1101.07.

1113.03 LOT AREA PER DWELLING UNIT.

(a) In a Class A-1 Area District, no Dwelling shall be erected or altered to accommodate or make provision for more than one (1) Dwelling Unit for each 18,000 square feet of lot area, and further provided that not more than one (1) Single Family Detached Dwelling may be erected on any lot separately owned prior to May 18, 1953, or on any numbered lot in a recorded subdivision that was on record in the office of the County Recorder at the time of the passage of this section, a dedication of the streets of which subdivision was accepted for public use by Council.

(b) In a Class A-2 Area District, no Dwelling Unit shall be erected or altered to accommodate or make provision for more than one (1) family for each 9,000 square feet of area of the lot, provided that one Single Family Detached Dwelling may be erected on any lot separately owned at the time of the passage of this section, or on any numbered lot in a recorded subdivision that was on record in the office of the County Recorder at the time of the passage of this section, a dedication of the streets of which subdivision was accepted for public use by Council.

(c) There shall not be more than one Dwelling Unit on any individual building lot.

1113.04 LOT WIDTH.

(a) In a Class A-1 Area District, no Dwelling Unit shall be erected on a lot having an average width of less than one hundred feet (100') unless such lot was separately owned prior to May 18, 1953, or unless such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section and for which a dedication of the streets in such allotment was made for public use and accepted by Council.

(b) In a Class A-2 Area District, no Dwelling Unit shall be erected on a lot having an average width of less than sixty feet (60') unless such lot was separately owned prior to May 18, 1953, or unless such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section and for which a dedication of the streets in such allotment was made for public use and accepted by Council.

1113.05 LOT DEPTH.

(a) In a Class A-1 Area District, no Dwelling Unit shall be erected on a lot having an average depth of less than one hundred eighty feet (180') unless such lot was separately owned prior to May 18, 1953, or unless such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section and for which a dedication of the streets in such allotment was made for public use and accepted by Council..

(b) In Class A-1 and in Class A-2 Area Districts, no Dwelling Unit shall be erected on a lot having an average depth of more than three and one-half times (3.5) the average width. These provisions shall not apply if such lot was separately owned prior to May 18, 1953, or if such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section and for which a dedication of the streets in such allotment was made for public use and accepted by Council.

1113.~~04~~06 ~~LOCATION OF~~ BUILDING SETBACK LINE.

On any street frontage in a Class U-1 District, the location of the building line shall be as follows:

(a) On a street frontage other than the side line of a corner lot, the distance of the building line back from the street right-of-way line shall be twenty percent (20%) of the average depth of the lot or thirty-five feet (35') whichever is greater.

(b) In a Class U-1 District along the side line of a corner lot, the distance of the building line back from the street right-of-way line shall be twenty percent (20%) of the average width of such lot, or twenty feet (20') whichever is greater.

(c) No building or portion of a building extending above the established finished grade shall be erected between the Building Line and the street right-of-way line.

1113.~~05~~07 SIDE YARDS.

Side yards are required in Single-Family House Districts as follows:

Lot ~~Frontage~~ Width (ft.)	Combined Open Side Yard (ft.)	Minimum Side Yard (ft.)
100 and over	28	14
80 to 99	24	12
60 to 79	15	7
50 to 59	11	3
~~49~~ 40 to ~~59~~49	11	3

Building permits shall be issued wherever possible to alternate minimum side yards to avoid abutting minimum side yards.

1113.~~03~~08 REAR YARDS.

(a) In a Class U-1 District, every building erected shall have a rear yard. The least dimension of such rear yard shall be thirty percent (30%) of the average depth of the lot, but such least dimension need not be more than forty feet (40')~~, provided such least dimension shall be in no case less than one-half of the height of the building~~.

(b) Decks and similar unenclosed structures, or portions thereof, ~~may extend into said rear yards, but no such structure shall extend closer to the rear lot line than a least dimension of~~shall have a minimum rear setback equal to twenty percent (20%) of the average depth of the lot. Decks shall have a minimum side yard setback of five (5) feet.

(c) Twenty~~-five~~ percent (~~25~~20%) of the area of ~~such~~ the rear yard may be occupied by a one-story accessory building not more than fifteen feet (15') in height. Accessory buildings on interior lots shall be located a minimum of five feet (5') from the side and rear lot lines.

(d) On a corner lot the rear line of which is identical with the side line of an interior lot, no accessory building, if detached from the main building, shall be erected within twenty-five feet (25') of any street line or within ten feet (10') of the rear lot line.

1113.~~06~~09 HOUSE SIZE ~~DISTRICTS~~.

(a) Purpose and Intent. House size regulations are established to insure long-term compatibility within neighborhoods, preserve and protect residential property values,

balance the size and bulk of housing with available lot area, avoid over building of residential lots, and provide appropriate housing opportunities within the City.

(b) Minimum Floor Area. Each house shall have a minimum gross floor area excluding basements, as defined in Section 1101.05, and garages based upon the Area District in which it is located as set forth herein:

A-1 Area Districts	2,400 Square Feet
A-2 Area Districts	1,800 Square Feet

(c) Maximum Floor Area. Each house shall have a maximum gross floor area excluding basements, as defined in Section 1101.05, and garages in accordance with the following ~~table~~:

(1) On lots that are 9000 square feet in area and greater and which have a lot width of 80 feet or greater, the maximum gross floor area shall be 5,000 square feet.

~~(~~2) On any lot that is less than 9000 square feet in area or which has a lot width of less than 80 feet, the maximum gross floor area shall be 4,000 square feet.

~~Lot Area~~	~~Minimum Side Yard~~	~~Maximum House Size~~
~~Less than 10,000 Sq. Ft.~~	~~Less than 10 Feet~~	~~2.0 X Buildable Area~~
~~Less than 10,000 Sq. Ft.~~	~~10 Feet or Greater~~	~~2.2 X Buildable Area~~
~~10,001 to 15,000 Sq. Ft.~~	~~Less Than 10 Feet~~	~~1.5 X Buildable Area~~
~~10,001 to 15,000 Sq. Ft.~~	~~10 Feet or Greater~~	~~1.7 X Buildable Area~~
~~15,001 to 24,000 Sq. Ft.~~	~~10 Feet or Greater~~	~~1.25 X Buildable Area~~
~~Greater Than 24,000 Sq. Ft.~~	~~10 Feet or Greater~~	~~1.1 X Buildable Area~~

~~For purposes of compliance with this section, Buildable Area shall be that portion of a lot behind the required Front, Side and Rear Set-Back Lines for the Use District within which a building may be constructed in conformance with this chapter. All Required Yards shall be deducted from the lot area to determine the Buildable Area.~~

1113.~~07~~10 PROJECTIONS INTO AND USES OF REQUIRED YARDS.

(a) There shall be no parking or storage of any motor vehicle in a side or rear yard or in front of any building setback line except upon an approved driveway or apron. No commercial vehicle shall be parked or stored on an unenclosed portion of a residentially zoned property except as specifically authorized in Section 452.14 of the Traffic Code.

(b) No commercial materials or equipment shall be stored on the exterior area of any residentially zoned property.

(c) The following building features may extend not more than twenty-four inches (24") into any front, side, or rear yard setback:

(1) Cornices, canopies, eaves, overhangs and similar features;
(2) Chimneys;
(3) Bow windows, bay windows, and similar features.

(d) Steps from required exit doors may extend not more than three feet (3') into any required front, side, or rear yard setback.

(e) Accessibility ramps for disabled persons which meet Americans with Disabilities Act guidelines may extend into required front, side or rear yard setbacks subject to a determination by the Building Commissioner that the design of such facilities is reasonable and constitutes the least possible intrusion into the required setback. Such structures shall be considered temporary and any permit issued by the Building Commissioner shall contain a written agreement by the applicant to remove same upon termination of the accessibility need.

(f) Driveways, patios, and other hardscape surfaces shall be setback a minimum of two (2) feet from any side lot line and five (5) feet from any rear lot line.

(g) On a corner lot between the building line and the street line, and within the triangular space included between the street line, for a distance of twenty-five feet (25') from their point of intersection, no fence or other structure more than three feet (3') in height above the plane of the established grade shall hereafter be erected, and no shrubs or foliage shall be maintained that, in the judgment of the Building Commissioner, will materially obstruct the view of a driver of a vehicle approaching the intersection and within seventy-five feet (75') of the center of such intersection, of approaching cross traffic which is within seventy-five feet (75') of the center of such intersection.

1113.~~0811~~ MAXIMUM HEIGHT ~~REGULATIONS~~.

Each dwelling shall have a maximum height of thirty-five feet (35').

1113.12 LANDSCAPING.

(a) Height Of Hedges And Shrubbery. Shrubs, hedges or bushes adjacent to side yard lines in front of the building line and shrubs, hedges or bushes adjacent to and parallel with the public sidewalk for a distance of fifteen feet (15') from any driveway shall be planted and maintained so as not to exceed a height of three feet (3').

(b) Shade Tree Planting. Any owner or builder of a house which is constructed and erected within the City shall deposit two hundred fifty dollars ($250.00) per tree with the Public Works Department to cover all expenses for the planting of shade trees on the tree lawn abutting such house or other building. One shade tree shall be planted for each forty feet (40') of frontage, depending on the tree lawn and type of tree to be planted, as determined by the Public Works Director. Corner lots require trees on both streets. A minimum of one (1) shade tree shall be planted for each house or other building, regardless

of the frontage of the lot. The Building Commissioner shall not issue a building permit to any person until this deposit has been filed.

(c) Landscaping of Residential Lots Required. Growing and/or non-growing landscaping is required on the entire lot, except for such portions as are occupied by the house, garage, driveway or other permitted improvements to prevent the wash-down of mud and other debris across sidewalks and into catch basins. Not less than thirty percent (30%) of the total lot area shall consist of Growing Landscaping. "Growing Landscaping" means grass, trees, bushes and other living plants.

(d) Tree Lawns. Tree lawn areas shall only be planted with grass and/or City authorized street trees. No other improvements or landscaping shall be permitted within tree lawns.

(e) Front Yard Landscaping Restrictions. No retaining walls, landscape timbers, or other landscape features shall be placed within twelve inches (12") of a public sidewalk. Damage to landscape features located within twelve inches (12") of a public sidewalk from snow plowing or sidewalk maintenance shall be the responsibility of the homeowner.

(f) Completion of Landscaping. Landscaping shall be completed within ninety (90) days following issuance of a certificate of occupancy unless such date occurs after November 1 of a year. In that event, the time for completion shall be extended until June 1 of the following year; provided, that the site has been stabilized with temporary seeding or other City approved method of controlling erosion and sedimentation.

(g) Temporary Stabilization. All disturbed areas, including stockpiles, must be stabilized with temporary seeding, mulching, erosion matting, or other method in accordance with City standards within thirty (30) days of disturbance.

(h) Emergency Improvements. The City may, as a condition of any building permit, enter upon single-family lots and make temporary emergency improvements required for the protection of the building, land or neighboring property. The City shall give reasonable notice to the person issued the building permit or others. The City may suspend the building permit until the cost for such emergency improvements if reimbursed to the City and/or it may assess such costs against the property.

(i) Maintenance of Landscaping in Single Family Residential Districts. The person who applies for and is issued required building permits or certificates of occupancy shall cause the landscaping required by this section to be installed as set forth in this section, and the continuing owners of the property shall maintain the lot in compliance with this Building Code. After it is installed as required, the original landscaping may be altered by the owner without an additional permit, provided that such alteration meets the standards of this Code. Owners of single-family homes shall install and maintain landscaping by planting, replanting or installing all of the growing things and maintaining other permitted landscaping features in good maintenance and repair, with the grass cut to a height not to exceed eight inches (8").

(j) Notice of Violations. The Building Commissioner shall give written notice to the owner, owner-tenant or person in charge of a single-family home found in violation of this

section. Such notice shall direct the installation and/or maintenance of landscaping and landscaping features as required by this section to be completed within five (5) days from the date the notice is to be delivered. If the owner, owner-tenant or person in charge cannot be located, the notice shall be delivered to the house occupying such lot and posted thereon, which delivery shall constitute sufficient notice under this subsection. A separate offense under this subsection shall be deemed committed each day a violation continues, but no additional notice, after the first notice, shall be required.

1113.13 FRONTAGE REQUIRED.

No permit shall be issued for a building or a use on a lot unless such lot has a frontage upon a public highway or upon a public street which has been duly dedicated and accepted for public use and which meets minimum City standards of improvement so as to insure adequate and satisfactory access to such lots, according to specifications approved by Council.

1113.14 DRIVEWAYS.

Excluding the tree lawn, not more than thirty percent (30%) of the required front yard area may be improved with driveways, parking areas, sidewalks, or any other hardscape surfaces. All driveways shall be provided with an asphalt, concrete or other similar hard surface designed in accordance with criteria established by the Engineer. All drive aprons shall be concrete. All driveways shall be graded and drained to provide positive drainage away from buildings, to prevent runoff onto adjacent properties, and to direct storm water to an approved inlet.

1113.15 FENCES.

Fences in U-1 Districts shall conform to the provisions of Chapter 1146.

1113.~~09~~16 CLUSTER DEVELOPMENT ALTERNATE.

In lieu of compliance with the standard provisions of ~~Sections 1113.03 through 1113.08 hereof~~this Chapter, property owners in a Class U-1 Single-Family House District may choose to design and develop a group of single-family detached dwellings as a Cluster Development in conformance with the provisions of Chapter 1114. Where duly approved by the Commission pursuant to the provisions of Chapter 1114, the Cluster Development plan and standards shall apply and take precedence over the provisions of ~~Sections 1113.01 through 1113.08~~this Chapter.