

CHAPTER 1290
Supplementary Regulations

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CROSS REFERENCES

- Division of municipal corporation into zones - see Ohio R.C. 713.06
- Notice and hearing on municipal zoning regulations - see Ohio R.C. 713.12
- Effect of zoning on laws and charters - see Ohio R.C. 713.14
- Retroactive zoning ordinances prohibited - see Ohio R.C. 713.15
- Landscaping and environmental preservation - see P. & Z. Ch. 1280
- Off-street parking - see P. & Z. Ch. 1282
- Signs - see P. & Z. Ch. 1284
- Nonconforming uses - see P. & Z. Ch. 1286
- Wireless telecommunications facilities - see P. & Z. Ch. 1288

1290.01 APPLICATION OF CHAPTER.

The following regulations shall apply so as to modify and/or supplement the regulations contained in Chapters 1266 through 1278.
(Ord. 73-94. Passed 10-4-94.)

1290.02 TEMPORARY LIVING SPACE.

Temporary living space or those spaces that can be used until the main dwelling is completed, and generally located in basements or garages, or in non-structures, such as trailers or tents, shall not be permitted in any district, provided, however, that a dwelling may be temporarily occupied on or above the ground floor, when:

- (a) The exterior of the dwelling is enclosed and completed, including exterior trim, and painted, and the yard back-filled and graded;
- (b) The plumbing, heating and electrical wiring is installed, safely enclosed, inspected and in operation;
- (c) The walls and ceiling of the principal rooms are covered with basic wall material; and
- (d) A temporary certificate of occupancy is obtained, which shall not be for a greater period than 120 days.

(Ord. 73-94. Passed 10-4-94.)

1290.03 TEMPORARY BUILDINGS.

Temporary offices, storage and other structures of contractors or builders are permitted in any district, provided such uses are deemed necessary to the development of the premises. Such structures shall be removed within thirty days after completion of the work on the land, or if construction is not pursued diligently, the structure shall be ordered removed by the Building Inspector. (Ord. 73-94. Passed 10-4-94.)

1290.04 REQUIRED LOT AREA TO BE MAINTAINED.

A parcel of land may be divided into two or more zoning lots, provided all lots resulting from the division conform to all area and width regulations of the district in which it is located. A lot, whether vacant or occupied, which was owned separately from adjoining lots, on and prior to the effective date of this chapter, and has an area and width equal to or less than required by this chapter, shall not be further reduced in any manner.

(Ord. 73-94. Passed 10-4-94.)

1290.05 LOTS OF RECORD OF INSUFFICIENT AREA AND WIDTH.

A parcel of land designated as a separate parcel on a plat, map or deed in the public records of Cuyahoga County, and which does not comply with the area and width regulations of the district in which it is located on the effective date of this chapter, or of any amendment thereto making the parcel nonconforming after the amendment, may be used as follows:

- (a) If occupied by a building, such building may be maintained, repaired or altered, provided, however, that the building may not be enlarged in floor area unless the front, rear and side yard regulations hereof are complied with.

- (b) If vacant, the parcel may be used only as a site for a dwelling, provided:
- (1) No adjoining parcel was owned by the same owner on the effective date of this Zoning Code, or such amendment, or other vacant land cannot be equitably acquired adjoining such parcel;
 - (2) All other regulations of this chapter, except lot area and lot width regulations, can be complied with.
(Ord. 73-94. Passed 10-4-94.)

1290.06 MEASUREMENT OF FLOOR AREA.

The area of a dwelling unit shall be the sum of the gross floor area above the basement level, including those rooms and closets having a minimum ceiling height of seven feet and having natural light and ventilation as required by this chapter, rooms above the first floor which are directly connected by a permanent stair and hall, and spaces under pitched roofs having a minimum ceiling height of four feet, if two-thirds of the room area has a minimum ceiling height of seven feet. The area shall be measured from the interior face of the enclosing walls at the first floor line, for the first floor, and the interior face of the enclosing walls at the second floor line for the second floor, and excluding garages and basements in all dwellings. The area for utility and storage space requirements shall be measured in like manner.
(Ord. 73-94. Passed 10-4-94.)

1290.07 REQUIRED YARDS TO BE MAINTAINED.

Required yards shall not be separated in ownership from that portion of the lot upon which the building is located, and no part shall be considered as providing a yard for any other existing building on the same or adjacent lot. A yard shall not be reduced to less than the requirements of the district in which it is located by enlarging an existing building, and a yard of less than the requirements shall not be further reduced. Every required yard shall be open and unobstructed from the ground upward except for permitted accessory buildings and permitted projections.
(Ord. 73-94. Passed 10-4-94.)

1290.08 FRONT YARDS OF PARTIALLY BUILT-UP BLOCKS.

(a) Where a building setback line has not been established and where twenty percent to forty-nine percent of the aggregate street frontage between two consecutive intersecting streets is occupied by buildings of the type and use permitted in the district, the setback line shall be determined by the average setback distance of existing buildings located 100 feet on either side of the zoning lot proposed for development.

(b) Where a building setback line has not been established and where fifty percent or more of the aggregate street frontage between two consecutive intersecting streets is occupied by buildings of the type and use permitted in the district, the setback building line for any given lot shall coincide with a straight line drawn from the front foundation walls, at the nearest corners of the closest buildings to such lot in the same district.
(Ord. 73-94. Passed 10-4-94.)

1290.09 INSUFFICIENT YARDS; BUILDING NOT TO BE ENLARGED.

Where yards are below the requirements set for the district in which the building and lot are located, and which were owned separately from all other parcels of land at the time of the enactment of this Zoning Code or any subsequent amendment thereof, and are still so owned, the building may be maintained or altered, but may not be enlarged in ground floor area unless the yard requirements comply with the regulations set forth in this chapter, as amended.
(Ord. 73-94. Passed 10-4-94.)

1290.10 YARDS ON CORNER LOTS.

The depth of the front yard and of the rear yard of a corner lot shall be the same as provided for inside lots, but the width of the side yard on the side street shall be not less than twenty percent of the required width of the lot, but the same shall not be less than half of the depth of the front yard required for the adjoining butt lot which fronts on the side street, unless shown otherwise specially on the Zoning Map.
(Ord. 73-94. Passed 10-4-94.)

1290.11 LOCATION OF ACCESSORY BUILDINGS.

No accessory building shall be located nearer than twenty-five feet to the main building, nor project into a front or side yard. On an interior lot, an accessory building may be located in a rear yard, but not nearer than five feet to a side lot line and five feet to a rear lot line, provided that an accessory building shall not be located nearer than twenty-five feet to any dwelling on an adjacent lot. In the case of a corner lot, where such rear lot line is also the side lot line of an adjoining residential lot, then it shall not be located nearer to the street line than the building setback line provided for such butt lot. It shall not be located nearer to the dwelling than twenty-five feet, provided that where there has been established a uniform location upon the enactment of this Zoning Code, it shall conform to such uniform location. Any accessory building to be used as a storage shed shall not exceed 180 square feet, unless a variance is granted by the Board of Zoning Appeals, in accordance with the provisions of Section 1264.07.
(Ord. 31-95. Passed 5-16-95.)

1290.12 PROJECTIONS INTO YARDS.

The following projections into yards are permitted under the following conditions:

- (a) Balcony, bay window, or any similar solid overhang, but not more than ten feet in width, chimney, cornice, roof overhang, and eaves, may project not more than three and one-half feet into a required front or rear yard, and not more than two and one-half feet into a required side yard, provided the projection shall not be less than two and one-half feet from any side yard lines.
- (b) The following projections - a patio, deck, landing, porch, entrance hood, stoop, terrace, including a ceiling or roof, the steps thereto, steps, and other similar or like features, or maximum height of which shall not extend above the ceiling of the first floor level of the main building, plus one foot - may project into the following yards:
 - (1) Front yard. The above-mentioned projections may project into a required front yard under the following conditions: Such projection shall not project more than seven feet, the square footage of which shall not exceed 126 square feet and be no longer than eighteen feet, including the steps thereto, and in no event shall such projection, including the steps thereto, extend beyond or past the prolongation of the foundation walls of the main building, excluding permitted projections into side yards. Such projections shall be open to the view of pedestrians and to the view of neighbors on either side of the main building, and so as to entitle such neighbors to free and unobstructed air, and shall not be enclosed or so screened to obstruct such view or air by any walls, screens, windows, glass enclosures, drops or shades, or similar or like enclosures. A railing is permitted, provided same is not more than three feet high and has an open area of eighty percent. A roof or covering is permitted, provided the same is constructed of fiberglass, aluminum, copper or sheet metal and no such roof shall be a permanent roof when constructed of any combustible material other than wood. Such roof may be of canvas or similar material if the same is removable and is removed during the months of November through the following June.
 - (2) Rear yard. The above-mentioned projections may project into a required rear yard under the following conditions: Such projections shall not project more than forty feet from the rear lot line, including steps thereto, and in no event shall such projections, including the steps thereto, extend beyond or past the prolongation of the foundation walls of the main building, excluding permitted projections into side yards. Such projections may be roofed and enclosed.

- (3) Side yards. The above-mentioned projections may project into a required side yard under the following conditions: Such projections shall not project more than three feet from any lot line, including the steps thereto. Such projections shall be open to the view of pedestrians and to the view of neighbors on either side of the main building and so as to entitle such neighbors to free and unobstructed air, and shall not be enclosed or so screened to obstruct such view or air by any walls, screens, windows, glass enclosures, drops or shades or similar or like enclosures. A railing is permitted, provided the same is not more than three feet high and has an open area of eighty percent. A roof or covering is permitted, provided the same is constructed of fiberglass, aluminum, copper or sheet metal. No such roof shall be a permanent roof when constructed of any combustible material other than wood. Such roof may be of canvas or similar material if the same is removable and is removed during the months of November through the following June.
- (c) A fire escape, enclosed stairway and landing to a second floor of a building about to be converted into a less restrictive use may project four feet into a required side or rear yard, provided such projection is still not less than five feet from any lot line, and provided that on application and after a public hearing, the Board of Zoning Appeals has made a determination that the building cannot be converted without such stairway.
- (d) A carport, attached garage and other similar structures or part thereof shall comply with the same yard regulations as required for dwellings.
- (e) A canvas awning which is removable and is removed during the months of November through the following June may project two feet into a required front yard, required rear yard, or required side yard if the same is not nearer than two feet to any side lot line. A metal, wood or plastic awning, which is not removed seasonally and being not more than ten feet in width, may project two and one-half feet into a required rear yard and or required side yard if the same is not nearer than two feet to any side lot line. Such distance of two and one-half feet such awning must be away from a side lot line shall be increased two inches for each foot or fraction thereof such awning exceeds ten feet in width.
- (f) A trellis, louver and other similar horizontal shading device, provided seventy-five percent of the area is open, may project into a required rear yard not more than eight feet, and may project into a required side yard to within three feet of any lot line. (Ord. 73-94. Passed 10-4-94.)

1290.13 PERFORMANCE STANDARDS.

Main and accessory buildings and uses permitted in the Commercial Service District, Limited Industrial District, and General Industrial District shall comply with the following performance standards as a condition precedent to their occupancy and use unless:

- (a) All service and manufacturing operations shall be conducted wholly within an enclosed structure complying with the Building Code, and all raw materials, fuel, machinery and equipment, including trucks used in the operations, shall be enclosed within a structure or screened by a substantially solid wall or fence of such nature and height as to conceal all operations and material therein from the view of any observer standing at the grade level at the nearest residential district line or public street.
 - (b) Storage of all materials in yards or buildings must comply with the Ohio Fire Code and with the ordinances of the Village, and all parts of the buildings, material stored therein, yards and open areas, shall be accessible to fire-fighting equipment.
 - (c) Solid waste resulting from operations shall be either disposed of, stored in buildings, or enclosed within a wall or fence.
 - (d) Liquid wastes shall not be discharged into a reservoir, stream, or other open body of water, and if discharged into a public sewer, the wastes shall conform to the regulations set forth in the Northeast Ohio Regional Sewer District's Code of Regulations, and where applicable, the Ohio Environmental Protection Agency.
 - (e) All operation shall be of a type that will not disseminate dust, smoke, fumes, glare, heat, noxious odors or vibrations beyond the boundaries of the district, nor shall they possess other characteristics equally as objectionable. Smoke emitted shall not exceed the density described as twenty percent opacity, except that for not more than two minutes in any thirty minutes, the emission may be greater than, but shall not exceed, the density of forty percent opacity. Dust and fly-ash shall not exceed 0.3 grains of any solid particles per cubic foot of the conveying gas or air.
 - (f) Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness, and shall not exceed the average intensity of street traffic noise at the nearest Residential District line.
 - (g) Bulk storage of flammable liquids and gases above ground in tanks, where permitted, shall not be less than 150 feet from a lot line.
 - (h) Radioactive or electrical disturbances that could adversely affect persons, property or equipment beyond the boundaries of the lot shall not be created.
- (Ord. 73-94. Passed 10-4-94.)

1290.14 HEIGHT REGULATIONS; EXCEPTIONS.

The height regulations for buildings in all districts shall not apply to chimneys, flagpoles, towers, water tanks, spires, domes, antennae and other similar mechanical appurtenances located upon or constructed as an integral part of a building, but the same shall not exceed seventy-five feet in any district at the front building line, measured from the finished grade line. This section shall not apply to residential dwellings where a lower height than seventy-five feet is required. (Ord. 73-94. Passed 10-4-94.)

1290.15 HEIGHT OF FREE-STANDING STRUCTURES.

No free-standing flagpole, tower, spire, antenna or other similar structure located within any district shall exceed fifty feet in height, measured from the finished grade line. (Ord. 73-94. Passed 10-4-94.)

1290.16 INTERPRETATION OF CERTAIN USES.

A residential use, a retail business use or a commercial service use shall in no way be construed to include the use of a camp car, tents, trailers or other similar facilities, nor a dining car or similar facility without a permanent foundation, nor similar facilities purchasable as a chattel. (Ord. 73-94. Passed 10-4-94.)

1290.17 VISUAL, AUDIO, OR ENERGY CONVERSION DEVICES.

(a) A satellite receiver dish, satellite T.V. earth station, earth station antenna, solar panel, or windmill shall be considered a structure, as that term is defined in Section 1260.07, and shall meet all accessory building location requirements as prescribed in Section 1290.11.

(b) In any Residential District, no part of any such satellite receiver dish, satellite T.V. earth station, earth station antenna, solar panel, or windmill shall be constructed above a height equal to the distance from any building line, property line, or structure.

(c) Any such satellite receiver dish, satellite T.V. earth station, earth station antenna, solar panel, or windmill shall only be constructed in the rear yard, as that term is defined in Section 1260.07.

(d) No property owner shall construct or situate any such satellite receiver dish, satellite T.V. earth station, earth station antenna, solar panel, or windmill on any lands within the Village without first having obtained a permit to do so from the Village Building Inspector.

(e) Any such satellite receiver dish, satellite T.V. earth station, earth station antenna, free standing antenna or microwave tower that is used for commercial purposes shall be prohibited from all Residential Districts.

(Ord. 73-94. Passed 10-4-94.)