

ORDINANCE NO. 2018-03 (As Amended)

INTRODUCED: Mr. Stanard

AN ORDINANCE AMENDING SECTION 1151.07, "SETBACK REQUIREMENTS" OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF MORELAND HILLS REGARDING CORNER LOTS.

WHEREAS, Section 1151.07 of the Planning and Zoning Code establishes minimum setback requirements for structures in the U-1 Dwelling House District; and

WHEREAS, Section 1151.07(e) imposes side setback requirements for corner lots, typically requiring side setbacks that exceed the minimum setback requirements applied to other properties in the Village; and

WHEREAS, the current side setbacks applied to corner lots often reduce the amount of buildable area, making corner lots more difficult to develop; and

WHEREAS, the Administration has recommended eliminating the side setback requirements for corner lots and to apply the standard side setback requirements to corner lots; and

WHEREAS, the Planning Commission, after holding a public hearing as required by Section 1133.09 has recommended that Council amend Section 1151.07, "Setback Requirements," to eliminate the corner lot side setback requirements and to apply the standard side setback requirements to corner lots; and

WHEREAS, this Council, after holding a public hearing as required by Section 1133.17, has determined it to be in the best interest of the Village of Moreland Hills and its residents and in furtherance of the public health, safety and general welfare to amend Section 1151.07, "Setback Requirements," to eliminate the corner lot setback requirements and to apply the standard side setback requirements to corner lots; and

WHEREAS, Section 1151.07, "Setback Requirements," of the Codified Ordinances of the Village of Moreland Hills, is to be amended as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1. Existing Section 1151.07, "Setback Requirements," of the Codified Ordinances of the Village of Moreland Hills, be and the same is amended to read as follows:

**"SECTION 1151.07
SETBACK REQUIREMENTS.**

Dwelling units shall be located on a lot in a manner that maintains the minimum front, side, and rear setbacks set forth in this Section. The area within each required setback shall remain unobstructed by structures, except as otherwise permitted in this Code.

(a) Front Setback. Each lot shall maintain a front setback in compliance with Schedule 1151.07.

(b) Front Setback on Through Lots. On a through lot, a front setback shall be provided on each frontage equal to the minimum required front setback as set forth in Schedule 1151.07. There shall be no required rear setback on a through lot.

(c) Side Setbacks. Each interior and through lot shall have and maintain two side setbacks. Schedule 1151.07 sets forth the minimum width of each side setback.

(d) Rear Setbacks. Each lot shall have and maintain a rear setback as specified in Schedule 1151.07.

~~(e) Corner Lot Setbacks. Corner lots shall maintain the following setback requirements. See Figure 1 below.~~

~~(1) Corner side setback. Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side setback that complies with the following:~~

~~A. When the rear lot line of a corner lot coincides with the rear lot line of another corner lot, the corner side setback shall be the greater of:~~

~~1. The corner side setback of the abutting corner lot; or~~

~~2. The minimum side setback set forth in Schedule 1151.07.~~

~~B. When the rear lot line of a corner lot coincides with the side lot line of an interior lot, the corner side setback shall comply with the requirements for a front setback, as required by sub-section 1151.07 (a).~~

~~(2) Interior side setback. The width of a side setback along the interior side lot line shall not be less than the minimum side setback as set forth in Schedule 1151.07.~~

[Figure 1 – Corner Side Setback is hereby deleted]

(fe) Schedule 1151.07 Minimum Setback Requirements:

Schedule 1151.07 Minimum Setback Requirements	
	U-1 Dwelling House District
(1) Minimum Front Setback from the public street right-of- way line abutting the property owner's property. When the property is located on more than one public street, the front setback shall abut the front of the main building.	70 feet (d)
(2) Minimum Side Setback	35 feet (a)(c)
(3) Minimum Rear Setback	(b)
(a) Except that on Giles Road for lots less than two (2) acres, Berkeley, Ellendale and Wiltshire Roads, each dwelling shall have side setbacks of not less than ten (10) feet each. If a	

lot other than on Berkeley, Ellendale, Giles, and Wiltshire Roads has a lot width less than 175 feet, each side setback shall be not less than twenty percent (20%) of the width of the lot but in no case less than twenty (20) feet.

(b) The rear setback shall be the lesser of twenty percent (20%) of the average depth of the lot and fifty (50) feet.

(c) If a lot has a width of 175 feet or more and the side wall of the house is over fifty (50) feet in length, the side setback shall be 35 feet plus one (1) additional foot of setback for every foot of house length over fifty (50) feet. For purposes of this footnote (c), the house length or sidewall dimension shall be determined by measuring the individual sidewall plane facing the side lot line. An offset of greater than four (4) feet within that plane will constitute a new sidewall plane for determining house length. See Fig. 1 and Fig. 2. Each sidewall plane over fifty (50) feet must comply with the increased setback dimension set forth above. For side lot lines that are not parallel to the sidewall of the structure, the closest edge of the sidewall plane in relation to the side lot line will be used for determining compliance with the required side setback. See Fig. 3.

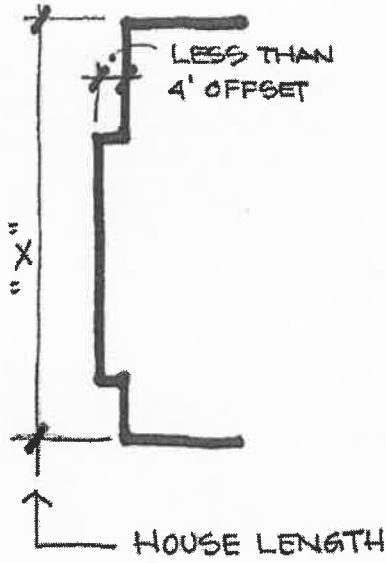


FIGURE (1)

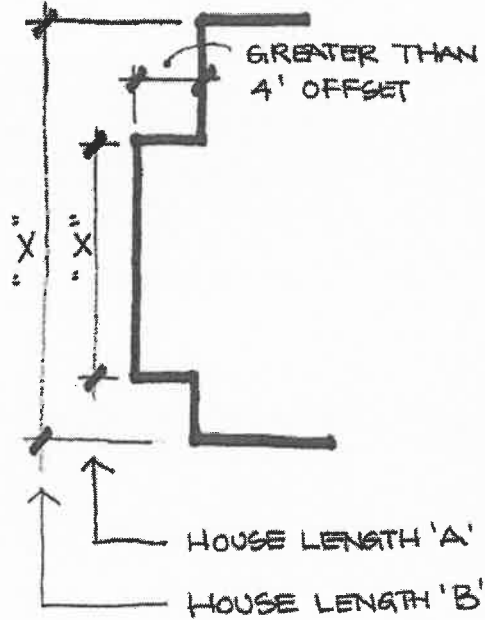


FIGURE (2)

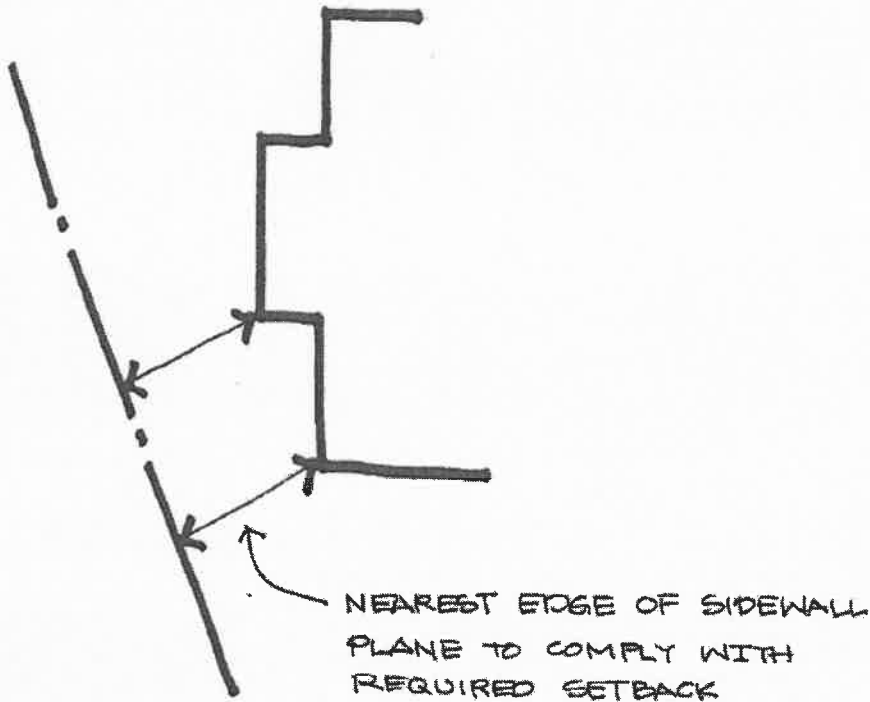


FIGURE (3)

(d) On private streets that existed as of the passage of the ordinance enacting this Code, the front setback shall be eighty-five (85) feet from the edge of the pavement. On South Woodland, the front setback shall be 50 feet from the public street right-of-way line abutting the property

owner's property. On SOM Center Road, Miles Road, Hiram Trail, and Chagrin Blvd., the front setback shall be 120 feet from the public street right-of-way line abutting the property owner's property.

Section 2. Existing Section 1151.07, "Setback Requirements," of the Codified Ordinances of the Village of Moreland Hills, is hereby repealed.

Section 3. The 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 in meetings open to the public, in compliance with all legal requirements.

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

Placed on First Reading and Referred to Planning Commission February 14, 2018.

Planning Commission made recommendations to Council March 5, 2018.

Placed on Second Reading March 14, 2018.


Placed on Third Reading and Passed April 11, 2018.



Mayor

PASSED: April 11, 2018

ATTEST:



CLERK