

City of Willoughby Hills

ORDINANCE NO. 2014-46

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1133 – SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS, SECTION 1133.04 – SETBACK REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

WHEREAS, on April 7, 2014, the Planning and Zoning Commission & Architectural Board of Review submitted a letter to Council stating that as a result of the presentation of proposed changes to Section 1133.04 – Setback Requirements of the Planning and Zoning Code, discussions by Members of the Planning and Zoning Commission, and a Public Hearing were held on March 20, 2014; a motion was drafted and approved at the Planning and Zoning Commission Meeting held on April 3, 2014 to submit said Section as amended to City Council; and

WHEREAS, on May 26, 2014 the Planning and Zoning Commission & Architectural Board of Review submitted a letter providing to the Members of Council a timeline of the information submitted for proposed changes, that being the use of the term “dwelling” rather than building and recommended that the City Council of Willoughby Hills adopt the proposed Amendments to the Zoning Code set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, LAKE COUNTY, STATE OF OHIO, THAT:

SECTION 1. The existing **Section 1133.04 – Setback Requirement** of the Codified Ordinances of the City of Willoughby Hills is hereby amended to read and provide in its entirety as follows:

“1133.04 SETBACK REQUIREMENTS.

Principal buildings shall be located in a manner that maintains the minimum front, side and rear setbacks set forth in this Section for the district in which they are located, except as otherwise regulated in Chapter **1143** for Conservation Developments and Chapter **1147** for Conditional Uses.

For the purpose of this Section, buildings or structures erected on lands where the roads, drives, and/or streets are undedicated or private or owned in common, such are considered the same as public ways for the purpose of determining building setback lines.

(a) **R-1 Traditional Single Family District.**

- (1) **Front Setback.** Each lot shall maintain a front setback in compliance with **Schedule 1133.04(a)**, except as otherwise permitted in **Subsection (2)** below.
- (2) **Front Setback on Built-up Block Faces.** Where more than 50% of the lots on a residential block face when the block length does not exceed 2000 feet, are occupied by dwellings of the type and use permitted in the district, the minimum front setback depth for new dwelling shall be the average depth, plus or minus five feet, of the front setbacks of existing dwellings located within 100 feet on either side of a given lot, provided however, the depth of the front setback resulting there from shall not be less than one-half the distance set forth in **Schedule 1133.04(a)**.
- (3) **Front setback on Through Lots.** On a through a lot, a front setback shall be provided on each frontage equal to the minimum required front setback as set forth in **Schedule 1133.04(a)**. There shall be no required rear setback on a through lot.

- (4) Side Setback. Each interior and through lot shall have and maintain two side yards. **Schedule 1133.04(a)** sets forth the minimum width of any side setback.
- (5) Side Setbacks for Corner Lots. Principal buildings constructed or altered on a corner lot shall provide a side setback on the side street not less than twenty-five (25) feet from the edge of the right-of-way of the side street or highway, whether public or private.
- (6) Rear Setbacks. Each lot shall maintain a rear setback as specified in **Schedule 113.04(a)(7)**.”

SECTION 2. All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 4. This Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed: _____, 2014

Raymond C. Somich
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2014

Approved by the Mayor
_____, 2014

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor