

**ORDINANCE NO. 03-2016 (AMENDED)**

**INTRODUCED BY: MAYOR ANN MARIE DONEGAN**

**AN ORDINANCE AMENDING SECTION 1240.09(a)(1),  
ACCESSORY USE REGULATIONS, TO PROVIDE SPECIFIC  
REGULATIONS FOR PLACEMENT OF ACCESSORY  
EXTERIOR EQUIPMENT FOR RESIDENTIAL STRUCTURES**

**WHEREAS**, the current code of the City of Olmsted Falls fails to address specific requirements for the placement of accessory exterior equipment for residential structures and it is appropriate to amend the code to provide for such regulations. Now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, OHIO, THAT:**

**SECTION 1.** That Codified Ordinance Section 1240.09(a)(1), Accessory Use Regulations is hereby amended to read as shown on Exhibit "A" attached hereto and incorporated herein by reference as if fully rewritten, all to provide for clear regulations for the placement of accessory exterior equipment for residential structures in the City.

**SECTION 4.** 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 5.** This Ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
*Jay Linn, President of Council*

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
*Ann Marie Donegan, Mayor*

\_\_\_\_\_  
*Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*Gregory Sponseller, Director of Law*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

ADOPTED 01/26/2016

	Yea	Nay
Linn	___	___
Garrity	___	___
Haviland	___	___
Sculac	___	___
Stibich	___	___
Duncan	___	___
Miller	___	___

1240.09 ACCESSORY USE REGULATIONS.

Accessory uses, buildings, and structures permitted in association with residential uses shall conform to the location, coverage, and maintenance standards contained in this section. Attached garages as part of a dwelling are subject to all yard requirements for a principal building specified in Sections 1240.05 or 1240.06 respectively.

(a) Area and Yard Requirements for Accessory Uses on Single-Family Lots.

(1) Yard requirements: An accessory building or use shall be located as set forth in the following schedule. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this section.

Permitted Use, Structure or Building	Minimum Distance (in feet) From:				
	Yard in which Permitted	Front Lot Line (a)	Side Lot Line	Rear Lot Line	Dwelling
A. Accessory buildings (unless otherwise noted)	Rear	NA	5(b)	5(b)	10
B. Stables ©	Rear	100	100	100	10

Permitted Use, Structure or Building	Minimum Distance (in feet) From:				
	Yard in which Permitted	Front Lot Line (a)	Side Lot Line	Rear Lot Line	Dwelling
C. Corrals (c)	Rear	50	50	50	10
D. Accessory structures (unless otherwise noted)	Rear	NA	5	5	None
E. Swimming pools	Rear	NA	15	15	None
F. Open parking area for storage of boats, rec. vehicles, etc.	Rear or side	NA	5	5	None
G. Driveways, sidewalks	Front, side or rear	None	2 (e)	5	None
H. Fence (d)	Front, side or rear	2	0 or 3 ft.	0 or 3 ft.	None
I. Exterior Building Equipment Such as AC Units and Generators (f)	Rear or side	N/A	5 ft.	5 ft.	Max. 10 ft.

Notes

- (a) For corner lots, distance is required from both streets rights-of-way.
  - (b) For buildings that exceed 880 square feet in accordance with paragraph (a)(4) hereof, the setback from a side and rear property line shall be one-half the length of the building wall facing the property line.
  - (c) See subsection (g) hereof.
  - (d) See Section 1274.03.
  - (e) Driveways will be permitted closer to the property line and may abut the property line only in instances where assurances are provided that no other driveways of adjacent properties are or will be located within four feet of the proposed driveway.
  - (f) Such equipment shall be screened from public view according to Section 1274.01
- NA = Not Applicable.

(2) Front yard coverage. The maximum area of the front yard covered by paved surfaces for driveways and sidewalks shall not exceed thirty percent. Pavement width shall not exceed twelve feet except where it is necessary to provide access to the garage. In such case, the width of the pavement shall not exceed the width of the garage door(s) by more than four feet.

(3) Garages and detached accessory building regulations. The number and size of accessory buildings and garages shall comply with the following:

A. Each dwelling unit shall have a two-car garage with a minimum floor area of 396 square feet. The garage may be either attached to or detached from the dwelling unit. The maximum floor area of a garage shall be 880 square feet for an attached or detached garage. A dwelling unit that has an attached garage may be permitted to have a second garage detached from the dwelling unit provided the total floor area of the two garages does not exceed 880 square feet.

B. One detached accessory building shall be permitted on a lot of less than one acre (in addition to a detached garage, if present), provided that the area of the detached accessory building does not exceed 140 square feet. For lots of or exceeding one acre, the maximum area of such building shall be 3,000 square feet or three percent of the area of the rear yard, whichever is less.

(4) Maximum rear yard coverage of accessory structures and recreational equipment. The sum of the area of accessory structures and detached accessory buildings and recreational equipment that are located in the rear yard shall not exceed thirty-five percent of the area of the rear yard. However, in no case shall a detached accessory garage or other accessory building exceed the maximum area permitted in paragraph (a)(3) hereof.

(b) Area and Yard Requirements for Accessory Uses for Attached Single-Family and Multi-Family Developments. Accessory uses, buildings, and structures permitted for attached single-family and multi-family units shall comply with the following standards:

(1) Detached garages and other accessory buildings and structures, including swimming pools and recreation facilities, shall be permitted, provided that such buildings shall comply with the yard requirements for principal buildings set forth in Section 1240.05 or 1240.06, as applicable, and shall be located no closer than ten feet to a principal building.

(2) Parking areas shall be permitted in side and rear yards only, provided that such parking area is ten feet from the side and rear lot lines and ten feet from the dwelling.

(3) Waste containers and dumpsters may be located in a side or rear yard, provided that such container or dumpster is set back ten feet from any side or rear lot line. Waste receptacles and dumpsters shall be screened according to Section 1274.01.

(c) Swimming Pool Regulations. Private residential swimming pools for the exclusive use of residents and their guests, including the deck or apron area, shall comply with the location requirements of subsection (a) or (b) hereof, as applicable. In addition, the construction and maintenance of swimming pools shall comply with the standards set forth in Section 1274.12.

(d) Storage of Private Non-Commercial Construction or Maintenance Equipment. Construction and maintenance equipment for private use on site must be stored indoors.

(e) Outdoor Parking or Storage of Recreational Equipment. The outdoor parking or storage of recreational equipment, including a recreational vehicle, boat, boat trailer, pick-up truck camper, motorized home, folding tent trailer, or other camping or recreational equipment on any property in a D District shall be permitted only as hereinafter provided:

(1) Only one piece of recreational equipment shall be parked or stored outdoors on a lot.

(2) Recreational equipment parked or stored outdoors shall be located in the rear or side yard in compliance with the schedule set forth in paragraph (a)(1) hereof, and shall comply with the coverage regulations of paragraph (a)(4) hereof.

(3) The Planning Commission may approve as a conditional use the parking or storage of recreational equipment that exceeds the maximum length set forth in paragraph (d)(2) hereof when the Commission determines that the objectives of this section are achieved because of a large lot size, the topography of the lot, extraordinary screening due to existing buildings or wooded areas, or setback from lot lines.

(4) All recreational equipment shall be parked or stored on a paved or gravel surface which shall be free of weeds and otherwise well maintained. Gravel surfaces shall be clearly defined by permanent edging such as curbs or embedded rot-resistant timers.

(5) All recreational equipment shall be screened with fencing and/or landscaping that has adequate height, material, and opacity to hide the recreational equipment from view from the street and from porches, patios, and living room or family room windows of adjacent properties, to the extent that the screening or fencing shall have a minimum height equal to one-third the height of the recreational equipment and shall be evenly distributed along the length of the recreational equipment to effectively screen a minimum of two-thirds of such length. Any fences used for such screening shall be in compliance with the regulations for fences in Section 1274.03.

(6) The parking or storage of recreational equipment by owners or renters of attached single-family dwellings or multi-family dwellings shall only be permitted if the equipment is stored wholly within a garage.

(7) A recreational vehicle may be parked in a driveway for loading or unloading purposes for a period not to exceed seventy-two hours in any twenty-one day period. This period may be extended up to sixteen days when the vehicle is owned by persons visiting the occupants of the dwelling and a permit has been obtained from the Zoning Administrator.

(8) No recreational equipment shall be used as a dwelling, office, or other business structure, or for storage of any material, or have permanent connections to any electric, telephone, water, gas, or fuel source. No material of any nature may be stored beneath any recreational equipment.

(9) All recreational equipment shall be kept in good repair. No recreational equipment shall be parked or stored on a lot unless it is titled to or leased to one of the permanent occupants of the residence where the recreational equipment is stored. All recreation vehicles, if properly stored under the provisions of this Zoning Code, are exempt from the requirement of having current license plates.

(10) No person shall make or cause to be made major repairs, alterations, or conversions of recreational equipment unless such repair, alteration, or conversion is done in a completely enclosed garage. Repairs of a major type are herein defined to include, but are not limited to, spray painting, body, plumbing, heating, spring and frame repairs; radiator repair; major overhauling of engines requiring the removing of the engine cylinder head or crankcase pan or removing the motor.

(f) Outdoor Parking of Commercial and Inoperable Vehicles.

(1) The outdoor parking of a commercial vehicle shall not be permitted on a lot in any residential district except that an occupant shall be permitted to park one truck not exceeding three-quarter ton rated capacity that is used in connection with said occupant's livelihood. No

equipment, tool boxes, or other materials used in connection with the commercial vehicle shall be permitted to be stored outdoors.

(2) The outdoor parking of an inoperable or unlicensed motor vehicle for more than forty-eight hours on a lot in a residential district is prohibited. Such motor vehicle may be stored in an enclosed garage, provided that no repairs or dismantling shall be conducted in connection therewith while such vehicle is parked or stored inside the building except for repairs performed by the home occupant on his or her own vehicle.

(g) Domestic Animals. The keeping of domestic animals, such as dogs, cats, rabbits, etc. as pets and not for commercial purposes shall be permitted in dwelling districts in compliance with the following criteria:

(1) Such pets shall not create a nuisance by reason of generating excessive noise or any odor detectable at the perimeter of the lot.

(2) The keeping of horses and ponies shall comply with subsection (g) hereof.

(h) Stables and Corrals. A private stable and associated corral for the keeping of one horse or pony shall be permitted as an accessory use on a lot having a minimum of two acres, provided such stable and associated corral comply with the following criteria:

(1) A stable and associated corral shall be permitted only for the use of the property owner or lessee of the property and for family and/or friends invited to use the horse or pony without the payment of any fee.

(2) Such stable and corral shall comply with the location requirements set forth in subsection (a) hereof and the area requirements for accessory buildings set forth in paragraph (a)(3) hereof.

(3) An additional one-half acre of land shall be provided for each additional horse or pony.

(4) No stable or structure to house horses or ponies shall be located within 200 feet of a well for domestic water supply.

(5) No person shall keep a horse or pony on a lot within the City unless a fenced corral and stable to retain such animal are constructed on such lot. (Ord. 24-97. Passed 10-14-97; Ord. 89-99. Passed 12-14-99; Ord. 75- 2005. Passed 10-11-05.)