

**A ZONING RESOLUTION**  
**for the**  
**UNINCORPORATED AREA OF**  
**CHAGRIN FALLS TOWNSHIP**

Proposed by the  
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Adopted by the  
Chagrin Falls Township Board of Trustees

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**PROPOSED ZONING RESOLUTION FOR THE  
UNINCORPORATED AREA OF CHAGRIN FALLS TOWNSHIP**

A resolution to establish a zoning plan for the unincorporated area of Chagrin Falls Township, Cuyahoga County, Ohio, based on a comprehensive plan to regulate the location and use of structures and land, to set up a system of administration, fees and penalties, and to insure effectiveness.

**CHAPTER 1 – INTRODUCTION**

**Section 1-1 – Purpose**

The Trustees of Chagrin Falls Township find:

- (a) That the unincorporated portion of the Township has been restricted privately for single family residences; and
- (b) That certain unsubdivided or undeveloped parts have come under public ownership for public park purposes or are not sufficiently protected by restrictions or served by public improvement to insure healthful living or to preserve the scenic, large-lot residential character of the community; and
- (c) That the roads have been constructed to serve only such restricted use; and;
- (d) That in order to protect the economic value and scenic and environmental quality of existing development, it becomes essential to preserve and maintain the orderly, balanced growth of the community; and
- (e) That existing restrictions need to be strengthened and ratified to preserve open spaces, natural scenery, wildlife habitat, flora and fauna, space for the stabling of horses (without nuisance to neighbors), to facilitate existing bridle and walking trails and to promote private, permissive access among neighbors to use such trails, in the presently developed and undeveloped parts of the Township and for other such purposes as a basis for maintaining low density development; and
- (f) That existing soil conditions need to be maintained free of construction thereon to protect the ground water table from pollution, to allow for an adequate supply of ground water for those residents who depend on the ground water aquifer, and to allow for the safe discharge of domestic wastes through septic or other in-ground sewage and septic treatment facilities; and
- (g) That it is necessary, in the interest of public health, safety, morals, comfort, prosperity and/or general welfare, in order to conserve and protect private property and property values, to secure the most appropriate use of the land to facilitate adequate but economical provision for public improvements, all in accordance with a comprehensive plan, to regulate by resolution the location, height, bulk, number of stories, and size and use of buildings and other structures, including tents, cabins, and recreational vehicles, percentages of lot areas which may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of said township, and for such purposes to divide all or any part of the unincorporated territory of the Township into districts or zones of such number, shape, and area as the Township Trustees hereinafter determines.

**Section 1-2 – Conformity to Regulations**

No land or building shall be hereafter used, and no building shall be hereafter erected, moved, altered or enlarged, for any purpose or in any manner except in conformity with the use, height, bulk, setback building line, area, yard and other regulations established in this Resolution.

The provisions of this Resolution shall be held to be minimum requirements only. Whenever this Resolution imposes greater restriction in any item than are required by other rules, regulations, permits, easements, covenants or agreements between parties, the provisions of this Resolution shall prevail, and the other restrictions shall prevail if they are greater.

**CHAPTER 2 – DEFINITIONS**

### **Section 2-1**

(a) Words used in the present tense include the future; the singular number includes the plural and the plural the singular. The words "occupied" or "used" as applied to any building or premises shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used". All distances are horizontal measurements unless otherwise specified. The word "shall" is mandatory, unless the natural construction of the wording indicates otherwise.

(b) "This Resolution" includes all resolutions amending, explaining, or supplementing the same; "the Township Zoning Inspector" includes all persons succeeding him, by whatever title known, in the duties and powers provided for him by this Resolution.

### **Section 2-2 – Accessory Use or Accessory Building**

(a) An "accessory use" is a subordinate land use maintained on the same lot with and customarily incidental to the main land use.

(b) An "accessory building" is an additional building located on the same lot with and customarily incidental to the dwelling use.

### **Section 2-3 – Buildings**

(a) A "building" is a structure designed or used for the shelter of persons, animals, chattel or property of any kind. It shall be construed as if followed by the words "or parts thereof".

(b) A "structure" is anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground; such as but not limited to bridges, bleachers, fences, platforms, sheds, swimming pools, towers, advertising signs, and shall also be construed to include "building".

(c) A "dwelling" is a building designed for use and occupancy by one family as the principal residential use of a lot.

(d) A "guest house" is a detached accessory building, arranged, intended or designed to provide facilities for one or more guests, including equipment for bathing and cooking, and rooms for living and sleeping.

(e) A "caretaker's house" is a detached accessory building, arranged, intended or designed to provide complete living facilities for one (caretaker) family, including facilities for cooking and bathing and rooms for living, sleeping and eating.

### **Section 2-4 – Family**

A "family" is one or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding, lodging or tourist house, sorority or fraternity house, or a hotel.

### **Section 2-5 – Garage**

A "private garage" is a building for the storage of passenger automobiles (as defined in Ohio RC 4501), small trucks commonly known as pickup trucks, motorcycles and other non-commercial passenger vehicles and in which no occupation, business or service for profit is carried on. If entirely attached or partially attached by a breezeway, it is considered part of the dwelling. If detached from the dwelling, it is considered to be an accessory building.

### **Section 2-6 – Grade**

The "finished grade" is the elevation of the finished surface of the ground adjoining the principal entrance of the building.

### **Section 2-7 – Height of Building**

The "height of a building" is the vertical distance of the highest point of the coping of the street wall in the case of a flat roof, or of the mean height between the eaves and ridge in the case of a pitched roof, measured from

the finished grade.

### **Section 2-8 – Lot: Lot Lines**

A "lot" is a parcel of land occupied or intended to be occupied by a dwelling or use, together with accessory buildings and uses and open space belonging to the same, owned by the same person or persons, that is located only within a boundary of land which is separate from land owned by one or more other persons, the use and occupation of which is subject to regulation under this Resolution, especially without limitation, any requirements as to use, occupation, percentage of occupation, minimum lot size and the like.

A "corner lot" is a lot abutting on two streets at their intersection, where the angle of intersection is not more than 135 degrees.

An "interior lot" is a lot without frontage on a public street.

The "front lot line" is the street line of a lot other than an interior lot, measured from the center line of the street, as established by the Cuyahoga County Engineer or the State Highway Department. If no such center line has been established, the center line shall be a line midway between the side lines of the right of way thereof. In the case of a corner lot, the front line is the line along the broader and most important street.

The "rear lot line" is the lot line opposite the front lot line.

A "side lot line" is a lot line other than a front or rear lot line.

The "depth of a lot" is the mean distance from the front lot line to the rear lot line measured in the mean direction of the side lot lines.

The "width of a lot" is the mean width measured at right angles to the depth.

The "area of a lot" is the total horizontal area included within the lot lines of the lot.

### **Section 2-9 – Non-Conforming Use**

A "non-conforming use" is any use of land or building and any design of building or location of building on a lot, that existed lawfully on the effective date of this or any predecessor resolution, but which does not conform to the current regulations of the district in which it is situated.

### **Section 2-10 – Setback Building Line**

The "setback building line" is the line established beyond which the front line of any building may not extend.

### **Section 2-11 – Yard**

A "yard" is space on the same lot with the dwelling, extending from the lot line to the nearest wall of the dwelling, unobstructed from the ground to the sky except as otherwise provided therein. The depth of the yard is the mean distance between these two lines.

A "front yard" is the yard across the full width of the lot extending from the dwelling to the front lot line.

A "side yard" is the yard between the dwelling and the side line of the lot and extending from the front yard to the rear yard.

A "rear yard" is the yard across the full width of the lot between the rear line of the dwelling and the rear lot line.

### **Section 2 - 12 -- Stables, Storage Sheds and Barns**

"Stable", "storage shed" and "barn" mean any accessory structure or building used exclusively for horticultural or gardening purposes, or for the keeping, lodging or feeding of horses as defined and regulated under the Zoning Resolution of the Township or of other animals or fowl, for agricultural purposes. Any portion of a stable,

storage shed or barn that is used as residential quarters or for any purpose not related exclusively to agricultural purposes, shall be subject to all regulations of this Zoning Resolution applicable to accessory structures or buildings, and shall not be entitled to any exemption from regulation that is available under Ohio law to agricultural uses in a township, for zoning or building code purposes.

### **Section 2-13 – Horses**

"Horses" shall include horses, ponies, donkeys, and mules.

### **Section 2-14 – Recreational Vehicles**

"Recreational Vehicle" means any mobile living space, including but not limited to mobile homes and travel trailers.

### **Section 2-15 – Steep Slopes**

A "Steep Slope" is defined as a land-surface having an inclination of more than 30% (with respect to the horizontal) and a vertical drop of at least 20 feet. For example, a slope of 30% having a vertical drop of 20 feet can be represented by the hypotenuse of a rectangular triangle with a vertical extension of 20 feet and a horizontal extension of  $20/0.3 = 67$  feet.

## **CHAPTER 3 – ZONING REGULATIONS**

### **Section 3-1 – The Zoning District**

Since the total area of Chagrin Falls Township is smaller than most individual zoning districts in suburban communities, and since the entire presently developed unincorporated area of the Township is relatively uniform in relation to transportation and other facilities, and since a substantial portion of the undeveloped portions of said Township has come under public ownership for park purposes, therefore, the Township will have two zoning districts, a single-family residential district, and a public park district. The public park district shall be that portion of the unincorporated portion of the Township that is owned by the Cleveland Metroparks System on the effective date of this Resolution. The balance of the unincorporated area of the Township shall remain designated on the zone map as the single-family residential district.

### **Section 3-2 – Zone Map**

The map entitled "Zone Map of the unincorporated area of Chagrin Falls Township", Cuyahoga County, Ohio on file with the Township Clerk, including all notations, references, data and other information shown thereon is hereby made a part of this Resolution.

### **Section 3-3 – Uses Permitted -- Residential District**

Buildings or land shall be used and buildings shall be hereafter erected, altered, enlarged or maintained in the single-family residential district only for the following main uses:

- (a) One-family dwelling, in the single family residential district.
- (b) Accessory uses.
- (c) Agricultural uses.

### **Section 3-4 – Buildings**

(a) Buildings constructed along the river frontage shall be so constructed as to eliminate any objectionable features as seen from and with regard to the opposite river frontage.

(b) The maximum ground floor space for any non-residential accessory building is 1,500 square feet.

(c) The maximum lot coverage from all buildings and structures including sidewalks, driveways or parking areas or other construction that increases the run-off of water or that decreases the permeability of land, shall be 10 percent of the lot area. No sub-division or lot split shall be permitted that results in a greater percentage occupying



any lot after such sub-division or split.

### **Section 3-5 – Dwellings**

A dwelling shall be either a one, one-and-a-half, two, or two-and-a-half story or split level building with or without basement, and shall meet the following requirements:

(a) One and one-and-a-half story and split level dwellings with or without basement shall have a minimum first floor area, exclusive of garage, breezeway, porch, sun porch or any other structure or addition attached to the dwelling which is not usually used as a part of the living quarters thereof, of 2,500 square feet for one-story and 2,000 square feet for one-and-a-half story and split level dwellings, and any basement shall have not less than 800 square feet of floor area. Any unexcavated portions shall have a foundation three and one-half feet below grade on a twenty-inch by eight-inch footer, and – except for slab construction – shall also leave a twenty-four inch air space below joists with provisions for adequate ventilation. Minimum foundation requirements are block or poured concrete construction twelve inches wide below grade and eight inches above grade. The dwelling shall have not less than three rooms and a bathroom on the first floor. The equipment of the bathroom shall include a usable toilet connected to a public sewer, or to a septic tank or private sewer constructed in accordance with regulations of the Cuyahoga County District Board of Health.

For split level buildings, the area of the floor at the front door entrance level shall be added to the area of the floor level that is closest above or below the front door entrance level (other than a basement that lies beneath the front door entrance level) to determine the total minimum square footage required under these provisions.

(b) Two and two-and-a-half story dwellings with or without basement shall meet the requirements of subsection (a) hereof, except that the minimum first floor area shall be 1,500 square feet.

(c) For all dwellings without basement, a continuous foundation wall shall be carried to a depth of not less than three and one-half feet on twenty-inch wide by eight-inch deep footers. Minimum foundation block size or poured concrete shall be twelve inches wide below grade and eight inches wide above grade.

(d) A garage, of sufficient size to accommodate at least two full-sized automobiles, shall be provided for any dwelling hereafter erected, altered, moved, maintained or reconstructed. The minimum width shall be twenty feet and the minimum depth shall be twenty-two feet.

(e) The maximum floor space on any single floor of the dwelling shall be 6,000 square feet, and the maximum total floor space shall not exceed 10,000 square feet.

(f) Accessory buildings other than barns or stables shall require a foundation equivalent to the minimum foundation requirements of buildings.

### **Section 3-6 – Accessory Uses Permitted -- Residential District**

(a) Accessory buildings including a barn or stable for domestic animals and fowl may be permitted, provided the quantity of animals and fowl on residential property is limited to the use of the occupants.

(b) Name plates and signs on lots shall be permitted as follows: Not more than two signs for each five acres of land for rent or sale, provided the signs are located on the said property and do not exceed four square feet in size, and one or two nameplates indicating the name of the occupant of the residence or estate. However, any nameplate exceeding two square feet in size must be approved by the Board of Zoning Appeals before erection. No signs other than political signs shall be permitted on any lot.

(c) Not more than one accessory building with sleeping accommodations will be permitted.

(d) The maximum ground floor space that may be used for residential purposes in any accessory building shall not exceed 1,000 square feet.

(e) A maximum number of three accessory buildings shall be permitted.

### **Section 3-7 – Height Limitations -- Residential District**

The height of a dwelling shall not exceed 35 feet. Each story shall be not less than eight feet in height exclusive of thickness of floors, attic or loft. Chimneys, radio or television antennae, located upon and constituted as an

integral part of a dwelling shall not extend 15 feet above the roof line or 50 feet above the finished grade. The height of an accessory building shall not exceed 25 feet.

### **Section 3-8 – Area Regulations -- Residential District**

Not more than one dwelling shall be hereinafter erected or enlarged on one residential single family parcel of land. Each lot shall have an average width at the set-back building line of the dwelling of 250 feet and shall have a minimum area of five acres. Only one guest house or one caretaker's house shall be permitted as accessory buildings, in addition to any storage shed and barn for animals and fowl. Not more than one such storage shed and one such barn shall be permitted in addition to the dwelling and any such guest house or caretaker's house.

### **Section 3-9 – Yard Regulations -- Residential District**

(a) Front Yard. The setback building line for dwellings shall not be less than 125 feet from the front lot line, except that in situations of unusual topography this distance may be modified by the Board of Zoning Appeals. In case of an interior lot, provisions per Section 3-9e apply.

(b) The set back building line of accessory buildings shall be not less than 200 feet from the front lot line.

(c) Side Yard. There shall be a side yard on each side of a dwelling or accessory building of not less than 75 feet except in situations of unusual topography. For corner lots, the side yard on the road side shall be not less than 125 feet from the centerline of either road.

(d) Rear Yard. There shall be a rear yard for each dwelling or accessory building of not less than 75 feet, except in situations of unusual topography.

(e) For an interior lot, the distance from any building to any adjacent lot shall not be less than 75 feet.

### **Section 3-10 – Uses Permitted -- Public Park District**

Public park and not-for-profit recreation uses shall be permitted in the park district.

### **Section 3-11 – Accessory Uses Permitted -- Public Park District**

(a) Buildings are permitted as may be required for any public park use provided that the construction or erection of any such building or other structure shall be by conditional zoning permit only, as provided for elsewhere in this Resolution.

(b) Public park signs identifying the public park district shall be permitted as the Cleveland Metroparks may erect, provided the design and location thereof is submitted to the Board of Zoning Appeals for its consultation before erection.

## **CHAPTER 4 – SUPPLEMENTARY REGULATIONS**

### **Section 4-1 – Exceptions to Area Regulations**

A dwelling may be erected, added to or altered on a lot of less area than the minimum area required if such parcel was separately owned on the effective date of this Resolution or of the predecessor of this Resolution, if so recorded in the office of the Cuyahoga County Recorder and if such parcel cannot be enlarged equitably, providing, however, that all other provisions of this Resolution be complied with.

### **Section 4-2 – Roadside Stands -- Retail Business**

No roadside stands or retail business uses shall be permitted in the Township.

### **Section 4-3 – Nuisances Prohibited**

All buildings and land in the Township shall be so used as not to be offensive to the person or property of others by reasons of the emission of dust, gas, smoke, noise, fumes, odors, vibrations, electricity or other objectionable features such as unpainted, deteriorating conditions.

No vehicles (except passenger cars as defined in Ohio RC 4501.01 and small trucks, commonly known as pickup trucks), tents, trailers, house trailers, campers, recreational vehicles, water craft or other such structures, vehicles or things, whether or not resting on wheels, shall be placed upon or permitted to remain upon land in the Township; provided, however, such structures, vehicles or things may be placed or stored upon land in the Township if enclosed in an accessory building or otherwise screened from any street or from any neighbor's property.

A tent, trailer, house trailer, camper, recreational vehicle, watercraft or other similar structure, vehicle or thing shall at no time within the Township be used for living purposes.

Parking or storage of any vehicles, structures or things for monetary or other considerations is prohibited.

#### **Section 4-4 – Horses and Stables**

(a) No stable for the keeping or housing of horses or other domestic animals shall be located nearer than 100 feet to the main dwelling, or to a street, or nearer than 75 feet to any lot line. However, this subsection shall not apply to the usual household pets when kept as household pets.

(b) No pen or enclosure, fence or corral for other domestic animals shall be located nearer than fifty feet to the main dwelling, five feet to any street right of way. However, this subsection shall not apply to the usual household pets when kept as household pets.

(c) At no time shall more than one horse per acre nor more than four horses per five acre lot be kept on such lot.

(d) No horse shall be kept on any lot within the Township unless there is constructed thereon a fenced corral and a stable to retain and house any animal therein as permitted by this Resolution.

(e) All stables, yards and corrals where horses are kept shall be maintained in a sanitary condition. They shall be kept clean and in good repair so as to prevent the breeding of flies and the emission of deleterious and offensive odors.

#### **Section 4-5 – Fences and Enclosures**

(a) Post-and-board fences and post-and-rail (or split-rail) fences are permitted.

(b) A chain-link or other metallic fence, or equivalent metallic fence shall be permitted on the side and rear lot lines but shall not be placed in any area from the front lot line to the dwelling structure.

(c) No fence, hedge or enclosure shall be of such construction or height so as to impair the visibility of vehicular traffic at the intersection of a driveway and a street, or at the intersection or crossing of two streets.

#### **Section 4-6 – Maintenance of Existing Structures**

All permitted structures shall be maintained in good condition, structurally sound and attractively finished at all times, and shall not impede or restrict access to the premises by any safety or fire forces.

#### **Section 4-7 – Home Occupations; Renting of Rooms**

(a) Home Occupations. Home occupations, including professional offices shall be permitted only when in conformance with the following standards:

(1) Employment – An occupation that is conducted for profit or involves the generation of income shall be conducted only by members of the family residing in the dwelling plus up to one non-family person who may be employed as a staff person.

(2) Areas – The occupation shall be conducted solely within the buildings located on the lot. If located within the dwelling, no more than 25 percent of its floor area (not to exceed more than 225 sq. ft. in any event) shall be used for such occupation. If located in an accessory building or structure, no more than 50 percent of the building's floor area (not to exceed 225 sq. ft. in any event) shall be used for said occupation.

(3) Sales – No merchandise may be sold regularly on the premises whether or not it was produced on the premises.

(4) Environmental impact – No use may create noise, dust, odor, glare, smoke, vibration, electrical interference, fire hazard or any other hazard to an extent or frequency greater than that usually experienced in an average residential occupancy in the district in question.

(b) Renting of Rooms. Not more than two rooms in any dwelling shall be rented by a resident family and the number of renters in such dwelling unit shall be limited to two persons. No space in an accessory building may be rented for residential use, subject to the right of any such rental use in effect at the adoption of this Resolution to be continued as a non-conforming use under this Resolution.

(c) Exterior appearance. The residential character of the building in which the occupation or rental activity occurs shall not be diminished.

(d) Parking. The occupation or rental activity shall not necessitate the parking of more automobiles than can be accommodated in the dwelling's driveway.

## **CHAPTER 5 – NON-CONFORMING USES**

### **Section 5-1 – Existing Non-Conforming Buildings and Uses**

(a) Any otherwise lawful use of land or building that would be considered non-conforming based solely upon location of the building as not conforming to any minimum setback requirement under this Resolution, shall not be affected by the voluntary discontinuance of said use of that building for any period of time, provided that such use is one expressly permitted under this Resolution.

(b) Any nonconforming use of land or a building (as opposed to any nonconforming location of a building) that is lawful when this Resolution or any amendment thereto becomes effective may be continued, provided that it is not voluntarily discontinued for two years or more; but if such non-conforming use is so discontinued, any future use of that building shall only be as permitted by the express provisions of this Resolution or its amendments.

### **Section 5-2 – Changes in a Non-Conforming Building and Use**

(a) No structural changes shall be made in a non-conforming building unless it is changed to a conforming use or unless the change is approved by the Board of Zoning Appeals upon a finding by said Board that the changes are in the direction of conformity and will not extend unduly the life of an objectionable non-conforming use in the neighborhood.

(b) Construction to enlarge, expand or remodel a building is permitted on the basis that pre-existing construction methods, materials or design of the building are non-conforming, provided that any such new construction shall conform to the methods, materials or designs required by this Resolution.

### **Section 5-3 – Changes to a Building in a Non-Conforming Location**

Construction to enlarge or expand a building shall not be prohibited on the basis that the building constitutes a non-conforming structure because of its location within or as an encroachment upon any front, side or rear yard minimum setback requirement, provided that no such construction shall be permitted that further diminishes any existing set-back requirement specified in this Resolution.

## **CHAPTER 6 – SPECIAL RESTRICTIONS**

### **Section 6-1 – Purpose**

In the interest of public health, safety, morals, convenience, comfort, prosperity or general welfare, Regulations are hereby established to achieve, among others, the following purposes:

(a) To regulate and control development of defined natural features and resources, including flood plains, rivers, ponds, hillsides, steep valleys, ravines and surface water courses;

(b) To preserve these natural features so as to minimize disturbance by permitted uses and to protect

these resources from hazardous or abusive land development practices;

- (c) To maximize the natural environmental value of these areas as well as their scenic beauty.

**Section 6-2 – Permitted Principal and Accessory Uses**

The following schedule shall be in addition to the district regulations:

(a) Flood Plain Areas. In flood plain areas as defined by the U.S. Corps of Army Engineer's District flood outline or such other area as the Board of Zoning Appeals on evidence presented to it shall find to have experienced flooding sufficient to pose a risk to safety or health, permitted development shall be limited to:

- (1) Cultivation and harvesting of crops;
- (2) Outdoor nursery or orchards;
- (3) Wildlife sanctuary, fishing reserves, wood land reserves;
- (4) Side and rear yards;
- (5) Parks, open space, or outdoor recreation;
- (6) Properly sealed water wells, sanitary and storm sewers, culverts, bridges;
- (7) Roads, drives and unpaved parking areas;

No building shall be constructed in a flood plain.

(b) Steep Slopes. In areas of Steep Slopes, and where the particular use is permitted under other regulations herein, construction of buildings is prohibited.

**Section 6-3 – Supplementary Regulations for Flood Plains, Hillside, Ponds and Other**

**Watercourses**

(a) Flood Plains. Flood plains shall further be controlled as follows:

(1) Any changes to permitted main and accessory uses shall not significantly increase the runoff of water, the rate of runoff or obstruct the flow of water unless the use is a dam designed for flood protection or to provide a water source for use on the parcel where the dam is located.

(2) No use shall endanger the lives or livelihood of any person either on the parcel or any adjacent parcel;

(3) No changes shall be made in the contours except to insure safety from further flooding, nor any gradings, excavating, removal or destruction of topsoil, trees or other vegetation until such time that a plan for minimizing erosion, sedimentation and flooding has been reviewed and approved by the Board of Zoning Appeals.

(b) Hillside. Areas of Steep Slopes shall be further controlled as follows:

(1) Changes in the contours, or grading, excavation, removal or destruction of topsoil, trees or other vegetation shall be permitted only where absolutely necessary and where the plan is reviewed by the Zoning Inspector and approved by the Board of Zoning Appeals;

(2) Development shall preserve salient natural features, keep cut fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential;

(3) Whenever possible, natural vegetation shall be retained, protected and supplemented;

(4) All streets and drives shall be designed to minimize grades, cut and fill, and disturbance to the natural vegetation.

(c) Ponds and Watercourses. Ponds and watercourses shall further be controlled as follows:

(1) Solid waste, sewage, or other pollutants shall not be allowed to enter any ponds, streams, or other watercourses;

Natural streams or other watercourses shall not be diverted, dammed, filled, or otherwise changed without submission of a plan to the Board of Zoning Appeals for its review and approval. Any change proposed shall not significantly alter the flow, direction or quality of the natural watercourse.

#### **Section 6 - 4 -- Zoning Certificate Required**

No person shall engage in any activity covered by Chapter 6 without first obtaining a Zoning Certificate pursuant to Chapter 10 of this Resolution, the provisions of which shall be deemed to include the requirements of Chapter 6 so stated herein.

### **CHAPTER 7 – EROSION AND SEDIMENTATION**

#### **Section 7-1 – Submittal of Plans and Reports**

Every person, firm or corporation who proposes to conduct any land disturbing activity shall comply with the water management and sediment control best management practices recommended by the Cuyahoga Soil and Water Conservation District, the Chagrin River Watershed Partners, the Village of Moreland Hills, or other entity that may have jurisdiction over such activities in the Township.

Such land disturbing activities shall include:

(a) Constructing or erecting a building or structure of any kind, including without limitation the installation or renovation of any underground utility, sanitary sewer or water line or the installation or renovation of a septic system; or

(b) Changing the contours of land by grading, excavating, or filling any existing topographic feature so as to change the applicable contours by five feet or more; or

(c) Removing or destroying the natural topsoil, or clear cutting trees or other natural and existing vegetation in any area larger than 5,000 square feet

Prior to conducting such land disturbing activity, the applicant shall submit to the Zoning Inspector copies of plans, consisting of maps and a description of the premises, setting forth the proposed improvements to be constructed, or changes to be made in the contours of, or removal or destruction of the natural topsoil, trees or other natural vegetation in the described premises, together with the report of the Cuyahoga Soil and Water Conservation District or the Chagrin River Watershed Partners, which provides for erosion and sediment control measures. For purposes of Section 7-1(c), the term "clear cutting" shall mean the removal of all, or substantially all, of the trees in a stand of trees covering an area of 5,000 or more contiguous square feet, and shall not include the removal of individual trees or the thinning or other selective removal or harvesting of trees for purposes of property management.

No construction, grading or improvement shall be approved that does not provide for reasonable control of erosion, pursuant to plans and reports as required in this section.

#### **Section 7-2 – Contents of Erosion and Sediment Report**

The report of the Cuyahoga Soil and Water Conservation District or the Chagrin River Watershed Partners shall include, but not be restricted to, the following provisions:

(a) The areas of the described premises that may be exposed at any one time;

(b) The type of temporary vegetation and/or mulching that should be used to protect exposed areas of the described premises during the:

(1) Construction of any type of improvements thereon; or

(2) Changes being made in the controls thereof; or

(3) Removal or destruction of topsoil, trees and other vegetation located thereon.

- (c) The locations, construction and maintenance of sediment basins (debris basins, desilting basins or silt traps) or other control measure on the described premises;
- (d) The type of permanent and final vegetation and structures that should be planted and installed on the described premises and the time within which such vegetation and structures are to be planted and installed;
- (e) Description of the type of the soil comprising the described premises and the physical properties of each type;
- (f) Description of the soil comprising the area immediately adjacent and within the general vicinity of described premises, and the physical properties thereof.

#### **Section 7-3 – Zoning Certificate Required**

No person shall engage in any activity covered by Chapter 7 without first obtaining a Zoning Certificate pursuant to Chapter 10 of this Resolution, the provisions of which shall be deemed to include the requirements of Chapter 7 so stated herein.

### **CHAPTER 8 – OUTDOOR SWIMMING POOLS**

#### **AND RECREATION COURTS**

##### **Section 8-1 – Definitions**

"Outdoor swimming pool" means any artificial water pool of steel, masonry, concrete, aluminum or plastic construction located out of doors, which has a square foot water surface area of 300 square feet or more, or a depth at any point of more than two feet, or both.

##### **Section 8-2 – Fence or Cover Required**

(a) Every swimming pool installed after this Section becomes effective, and located within less than 800 feet of a public road and less than 300 feet of any dwelling on any adjacent lot, shall be enclosed by a fence at least forty-eight inches in height, and constructed so as to prevent access to such pool by small children; or in the alternative, a swimming pool may be equipped with a cover which may be securely fastened and locked and which shall be of sufficient strength to support the weight of an adult.

(b) The gate or gates in such fence shall be kept locked at all times when such pool is not in use, or a cover shall be kept over the pool and securely fastened at all times when such pool is not in use.

(c) In lieu of maintaining a fence or cover, a semi-permanent pool located entirely above ground level shall be protected, when not in use, by the removal from the pool area of all ladders or other devices that afford access to the pool.

##### **Section 8-3 – Compliance Required**

No permanent swimming pool installed after this Section becomes effective which is not enclosed in a permanent building or like structure shall be constructed or maintained unless and until the requirements and conditions hereinafter enumerated are complied with, nor shall it be constructed unless the lot coverage requirements elsewhere stated in this Resolution are complied with, including the area covered by the swimming pool and any apron thereto.

##### **Section 8-4 – Above-Ground Pools**

No temporary and/or above-ground swimming pool shall be installed unless it is screened from view from any street or any neighbor's property.

##### **Section 8-5 – Distance Between Pool and Property Lines**

Every pool hereafter built must be so located upon the lot or parcel as to allow a safe distance between the pool and the property lines, and so that children can be readily observed while approaching or in the vicinity of the pool. A distance of 50 feet from each property side line and rear line and 50 feet to the rear of the dwelling to which the pool is accessory shall be presumed a minimum safe distance for such purpose.

**Section 8-6 – Conformance to Natural Grade**

Every permanent swimming pool, constructed within an excavation in the ground, hereafter constructed or created must substantially conform to the natural grade of the surrounding land, and no part thereof, other than a diving board or similar equipment and the fence referred to in Section 10-2 shall be higher than such grade.

**Section 8-7 – Drainage**

Every permanent swimming pool, constructed within an excavation in the ground, hereafter constructed or created must substantially conform to the natural drain, approved by the Zoning Inspector. All drain water must be conducted to its proper discharge point by means of tightly sealed tile pipe or hose. Under no circumstances shall any water from the pool or from its use be permitted to drain towards or on to any adjoining properties.

**Section 8-8 – Pool Interior Surfaces and Filtration**

(a) All swimming pools shall have smooth interior surfaces that can be readily kept clean. When in use, pools shall at all times be kept free of leaves, debris, wood or any other materials which might endanger the safety or health of the users.

(b) All swimming pools having a capacity of 10,000 gallons of water or more shall be equipped with a filtration unit of sufficient size and capacity and also a chlorination unit to insure healthful operation and maintenance of the pool.

**Section 8-9 – Permit Required; Fee**

No swimming pool shall be hereafter constructed or established unless a permit to do so is first obtained from the Zoning Inspector. The fee for such permit shall be determined by the Township Trustees.

**Section 8-10 – Pool House**

A pool house may be erected as an accessory building.

**Section 8-11 – Recreational Courts**

Tennis, basketball and other recreation courts shall be located only in rear or side yards and shall be set back from each lot line a minimum distance of ten feet as measured either from the enclosing fence or, if no fence is required, from the edge of the court surface. If a fence is used, it may not exceed 12 feet in height above the court surface. None of the above regulations shall be deemed to prohibit placement of a basketball backboard on a garage wall or roof, or on a pole adjacent thereto. The area covered by any such recreation court shall be subject to the limitations elsewhere provided for in this Resolution as to maximum lot coverage.

**CHAPTER 9 – BOARD OF ZONING APPEALS**

The Board of Trustees of Chagrin Falls Township shall appoint a township Board of Zoning Appeals of five regular members and two alternate members, all of whom shall be residents of the unincorporated area of Chagrin Falls Township. The alternate members are to replace regular members in those potentially controversial cases where the regular members might have a conflict of interest or are absent. The terms of all regular members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Township Trustees and shall be for the expired term. The members of the Board of Zoning Appeals shall serve without compensation.

Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman of the Board, and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings and deliberations of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be a public record.

**Section 9-1 – Powers and Duties**



The Board of Zoning Appeals shall have the following powers:

(a) Interpretations/Decisions: To hear and decide appeals where it is alleged there is error in any order, interpretation, requirement, decision or determination made by an administrative official in the enforcement of this Resolution or of any resolution adopted pursuant thereto.

(b) Variance Powers: To authorize, upon appeal, in specific cases, such variance from the terms of this Resolution as will not be contrary to the public interest where owing to special conditions which are inherent in the land sought to be built upon, because of physical size, shape, topography or other characteristics are peculiar to the premises in question and not shared in general by other land or buildings in the immediate vicinity, a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.

(c) Conditional Use Permits: To grant conditional zoning certificates as provided for in Section 519.14(C) of the Ohio Revised Code.

In exercising the above-mentioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

### **Section 9-2 – Appeals**

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within twenty days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall consider an appeal within a reasonable time and fix a reasonable date for the hearing of the appeal. The Township Clerk shall notify all residents of the unincorporated part of the Township accordingly at least 30 days before this date. Upon the hearing, any party may appear in person or by attorney.

## **CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT**

### **Section 10-1 – Zoning Certificate**

The Zoning Inspector of the unincorporated area of Chagrin Falls Township shall be the administrative officer of the zoning regulations.

Except as expressly provided in Ohio Revised Code, Chapter 519 and this Resolution, it shall be unlawful to locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within the territory of the unincorporated area of Chagrin Falls Township without a Zoning Certificate issued by the Zoning Inspector, which shall be issued only if the plans for the proposed building or structure fully comply with the zoning regulations then in effect.

It shall also be unlawful to conduct any construction activity pursuant to Chapter 6 or Chapter 7 of the Zoning Resolution which does not involve construction of a building or other structure without a Zoning Certificate issued by the Zoning Inspector, which shall be issued only if the plans for the proposed activity comply with the provisions of the applicable Chapter then in effect.

Any activity which requires the issuance of a Zoning Certificate pursuant to this Zoning Resolution, or which involves an appeal to the Board of Zoning Appeals from any denial of the issuance of such a Certificate, shall be accompanied by a permit fee in an amount as established by resolution of the Township Trustees.

### **Section 10-2 – Application for Zoning Certificate**

The application for a zoning certificate shall include the plan for the building and a plot plan drawn to scale and clearly indicating the location of the existing and proposed buildings, structures and driveways, the water supply, the sewage disposal system, the general topography and the extent of any proposed encroachments beyond all required yard lines, the locations and distances to buildings on adjoining premises and any additional documentation required in Section 6, when applicable. For hillside building sites, the application shall further include recommendations

from the District Board of Health in regard to constructing a sewage disposal system and providing a water supply. However, if said recommendations are not included, the applicant shall explain in writing the reasons for excluding them. The application shall be made on such form as the Zoning Inspector may require, and shall be accompanied by a permit fees as established by resolution of the Township Trustees.

#### **Section 10-3 – Conditional Use Certificate**

When the application is for a conditional use, the application shall be forwarded to the Board of Zoning Appeals.

(a) The Board of Zoning Appeals shall set a date and hold a public hearing on the application. At least 10 days prior to the date of the public hearing, notice of such public hearing shall be given by first class mail to the property owners adjacent to the lot on which the conditional use is proposed. Any party may appear in person or by attorney at the public hearing.

(b) The Board of Zoning Appeals shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Resolution. In addition, the Board of Zoning Appeals may require the applicant to submit such additional information as deemed necessary.

#### **Section 10-4 – Enforcement and Penalties**

In addition to any other enforcement proceedings permitted under the laws of Ohio, it shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation in or any provision of any resolution or any amendment or supplement of this Zoning Resolution. Any person, firm or corporation violating any such resolution, regulation, provision, amendment or supplement or any provision of conviction thereof, shall be fined not more than one hundred dollars per offense. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

#### **Section 10-5 – Amendments**

Amendments or supplements to this Resolution shall be made in accordance with the requirements of the Township Zoning Enabling Statute of the State of Ohio, ORC Section [519.12. Amendments to Zoning Resolution: Procedure: Referendum](#), as may be in force at that time. The Zoning Map shall be on file in the office of the Township Trustees, and the map shall be revised as may be necessary to show all amendments.

#### **Section 10-6 – Invalidity of a Part**

Should any section or provision of this Resolution, or any district or building line or part thereof, be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Resolution.

#### **Section 10-7 – Effective Date**

This Resolution, and any amendments thereto, shall become effective 30 days after the date of adoption unless, within 30 days after the adoption of the amendment, there is presented to the Township Trustees a petition requesting the Township Trustees to submit the amendment to the electors for approval or rejection.