

ZONING RESOLUTION
for the
UNINCORPORATED AREA OF
CHAGRIN FALLS TOWNSHIP

As Recommended By The
Zoning Commission Of Chagrin Falls Township
On January 17, 2022

And

Adopted By The
Chagrin Falls Township Board Of Trustees

March 7, 2022

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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 – GENERAL PROVISIONS

Section 1-1 – Purpose

The Trustees of Chagrin Falls Township find:

- (a) That the unincorporated portion of the Township has been restricted 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 ensure 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 regulate by resolution the location, height, bulk, number of stories, and size and use of buildings and other structures 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

- (a) 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, set back building line, area, yard and other regulations established in this Resolution.
- (b) 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.

Section 1-3 – Separability

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 1-4 – Effective Date

This Resolution, and any amendments thereto, shall become effective 30 days after the date of adoption.

CHAPTER 2 – DEFINITIONS

Section 2-1 – Rules of Construction

- (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 subordinate 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".

Section 2-4 – Dwellings

- (a) A "dwelling unit" is one or more connected rooms containing independent cooking, bathing, toilet, and sleeping facilities for an individual or group of individuals living together as a single housekeeping unit.
- (b) A "single family dwelling" is a free-standing building containing a single dwelling unit designed for use and occupancy in a single housekeeping unit as the principal residential use of a lot.
- (c) A "guest house" is a detached accessory building, arranged, intended or designed to provide complete living facilities for one or more guests, including facilities for bathing and cooking, and rooms for living, eating and sleeping.
- (d) A "caretaker's house" is a detached accessory building, arranged, intended or designed to provide complete living facilities for caretakers, including facilities for cooking and bathing and rooms for living, sleeping and eating.

Section 2-5– Single Housekeeping Unit

A "single housekeeping unit" is one or more persons occupying a dwelling unit and living as a single cohesive household sharing full access to the entire premises, as distinguished from a group occupying a boarding, lodging or tourist house, sorority or fraternity house, or a hotel.

Section 2-6– 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 2-7– Grade

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

Section 2-8 – 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 2-9 – Lot: Lot Lines

- (a) 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.

- (b) A "corner lot" is a lot abutting on two streets at their intersection, where the angle of intersection is not more than 135 degrees.
- (c) An "interior lot" is a lot without frontage on a public street.
- (d) 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 street on which the house is addressed. For an interior lot, the front lot line shall be the lot line along the private street or opposite the main entry of the dwelling.
- (e) The "rear lot line" is the lot line opposite the front lot line.
- (f) A "side lot line" is a lot line other than a front or rear lot line.
- (g) 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.
- (h) The "width of a lot" is the mean width measured at right angles to the depth.
- (i) The "area of a lot" is the total horizontal area included within the lot lines of the lot.

Section 2-10– Nonconforming Uses, Lots, or Buildings

- (a) A "nonconforming use" is any use of land or building 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.
- (b) A "nonconforming lot" is any parcel of land that existed lawfully on the effective date of this resolution, but which does not conform to the current minimum area or width requirements.
- (c) A "nonconforming building" is any building and any design of building or location of building on a lot, that existed lawfully on the effective date of this resolution, but which does not conform to the current regulations of the district in which it is situated.

Section 2-11-Outdoor Swimming Pool

"Outdoor swimming pool" means any artificial water pool of steel, masonry, concrete, aluminum or plastic construction located out of doors, which has a water surface area of 300 square feet or more, or a depth at any point of more than two (2) feet, or both.

Section 2-12 – Setback Building Line

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

Section 2-13 – 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 2-14 -- 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 2-15 – Horses

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

Section 2-16 – Recreational Vehicles

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

Section 2-17 – Steep Slopes

A "Steep Slope" is defined as any land-surface having a horizontal:vertical slope ratio of 100:15 or steeper.

Section 2-18 - Township

“Township” shall mean the unincorporated area of Chagrin Falls Township.

Section 2-19 - Watercourse

“Watercourse” means any continuously flowing brook, channel, creek, river, or stream having a defined bed and/or bank and a definite direction of flow.

CHAPTER 3 – DISTRICT REGULATIONS

Section 3-1 –Zoning Districts Established

The unincorporated area of Chagrin Falls Township is hereby divided into the following zoning districts as shown on the Zoning Map:

- (a) The Single Family Residential District
- (b) The Public Park District

Section 3-2 – Zoning Map

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

Section 3-3 – Uses Permitted In The Single Family 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 uses:

- (a) Single Family Dwellings
- (b) Accessory uses pursuant to Section 3-6.
- (c) Agricultural uses.

Section 3-4 – Buildings In The Single Family Residential District

- (a) The maximum ground floor space for any non-residential accessory building shall be 1,500 square feet provided however, that on lots larger than six (6) acres the size of an accessory building may be increased one hundred (100) square feet for each additional acre in size beyond six (6) acres.
- (b) The maximum lot coverage from all buildings, structures, and impervious surfaces, including sidewalks, driveways or parking areas, shall be twenty percent (20%) of the lot area. No subdivision or lot split shall be permitted that results in a greater percentage of impervious area on any lot after such subdivision or split.

Section 3-5 – Single Family Dwellings

All single-family dwellings 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

Section 3-6 – Accessory Uses Permitted In The Single Family Residential District

- (a) Accessory buildings including a barn or stable for domestic animals and fowl may be permitted.
- (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 shall be permitted.
- (d) The maximum floor area that may be used for residential purposes in any accessory building shall not exceed 1,200 square feet.
- (e) A maximum number of three accessory buildings shall be permitted on any single parcel or lot.
- (f) Accessory buildings other than barns or stables shall require a foundation equivalent to the minimum foundation requirements of building, provided however, that accessory buildings of less than four hundred (400) square feet shall not be required to have a foundation.

Section 3-7 – Height Limitations In The Single Family 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 In The Single Family Residential District

Not more than one single family dwelling shall be hereinafter erected or enlarged on one parcel of land in the Single Family Residential District. Each lot shall have an average width at the setback building line of the dwelling of 250 feet and shall have a minimum area of five (5) acres. Only one (1) guest house or one (1) caretaker's house shall be permitted as an accessory building, 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 In The Single Family 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 3-9(e) apply.
- (b) The setback 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 or structure 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 or structure of not less than 75 feet, except in situations of unusual topography.
- (e) For an interior lot, the distance from any building or structure to any adjacent lot shall not be less than 75 feet.

- (f) Riparian Setbacks. Buildings and structures shall be setback not less than 100 feet from the centerline of any Watercourse as defined in Section 2-19. Buildings and structures shall be setback 100 feet from the edge of any flood plain as designated by the U.S. Army Corps of Engineers or the Federal Emergency Management Agency.

Section 3-10 – Uses Permitted In The Public Park District

Public park and not-for-profit recreation uses as may be constructed, owned, and operated by the Cleveland Metroparks shall be permitted in the Public Park District.

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 –Retail Business

No retail business uses shall be permitted in the Township except as provided in Section 4-6(a)(3).

Section 4-3 – Nuisances Prohibited

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Parking or storage of any vehicles, structures or things for monetary or other considerations is prohibited.
- (e) All stables, yards and corral shall be maintained in a sanitary condition and 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 4-4 – Fences and Enclosures

- (a) Post-and-board fences, post-and-rail (or split-rail) fences, and wrought iron fences are permitted.
- (b) A chain-link or other metallic fence, or equivalent metallic fence shall be prohibited in front yards and along property lines, but may be used to enclose pools and other facilities provided that such fences are clad with a black or green vinyl coating.
- (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.
- (d) No fences shall exceed a maximum of six (6) feet in height except as provided for in Section 4-7.
- (e) Nothing herein shall prohibit the use of temporary wire mesh garden fences intended to protect gardens from animals during the growing season, provided that such temporary garden fences do not exceed six (6) feet in height.

Section 4-5– 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 4-6 – Home Occupations

- (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 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 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 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) Exterior appearance. The residential character of the building in which the occupation occurs shall not be diminished.
- (c) Parking. The occupation shall not necessitate the parking of more automobiles than can be accommodated in the dwelling's driveway.

Section 4-7 – Recreational Courts

Tennis, basketball and other recreation courts shall be located only within side or rear yards and in compliance with required side and rear setbacks. 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.

Section 4-8 – Environmental Preservation And Protection

- (a) 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.
- (b) Development shall preserve salient natural features, keep cut fill operations to a minimum and ensure conformity with topography so as to minimize erosion potential;
- (c) When it does not interfere with the reasonable use of the site, natural vegetation should be retained, protected and supplemented;
- (d) All streets and drives shall be designed to minimize grades, cut and fill, and disturbance to the natural vegetation.
- (e) Solid waste, sewage, or other pollutants shall not be allowed to enter any ponds, streams, or other watercourses;
- (f) Watercourses shall not be diverted, dammed, filled, or otherwise changed without submission of a plan prepared and certified by a professional engineer licensed in the State of Ohio 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 4-9 – Steep Slopes

Changes in the contours, or any grading, excavation, removal or destruction of topsoil, trees or other vegetation on all areas of Steep Slopes, as defined in Section 2-17, shall only be approved by the Board of Zoning Appeals pursuant to a detailed plan and report prepared and certified by a professional engineer licensed in the State of Ohio which certifies to the Board that any such changes are designed to minimize erosion and sedimentation and shall not adversely impact the function of any watercourse or any neighboring properties.

CHAPTER 5 – NONCONFORMING USES, LOTS, AND BUILDINGS

Section 5-1 – Nonconforming Uses

Any nonconforming use of land or a building that was lawful when this Resolution or any amendment thereto became effective may be continued, provided that it is not voluntarily discontinued for two years or more. If any such nonconforming use is discontinued, any future use of that land or building shall conform to the provisions of this Resolution. No nonconforming use shall be extended, expanded, or enlarged.

Section 5-2 – Nonconforming Lots

When a nonconforming lot of record existing as of the effective date of this Resolution can be used in conformity with all applicable provisions of this Zoning Resolution, except that the minimum area and/or width of the lot is nonconforming, then such lot may be used as if its area and/or width were conforming.

Section 5-3 – Nonconforming Buildings

- (a) Any otherwise lawful building or structure that is considered nonconforming based solely upon the location of the building or structure as not conforming to the setback requirements of this Resolution, shall not be affected by the voluntary discontinuance of use of such building or structure for any period of time, provided that such use is one expressly permitted under this Resolution.
- (b) No structural changes shall be made to a nonconforming building or structure 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 increased conformity and will not extend or enlarge the encroachment.

CHAPTER 6 – ZONING COMMISSION

Section 6-1 – Commission Established

- (a) The Zoning Commission shall be composed of five (5) regular members who shall reside in the unincorporated area of the Township and who shall be appointed by the Board of Township Trustees. Terms of members shall be for five (5) years and shall be so arranged that the term of one member expires each year. Each member shall serve until his/her successor is appointed and qualified. Members of the Commission may be removed from office by the Board of Township Trustees for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. The Board of Township Trustees shall fill vacancies, and such appointments shall serve for the unexpired term of the member affected.
- (b) Three (3) members of the Commission shall constitute a quorum at all meetings. A positive vote of three members shall be necessary to affect an order, take action, make decisions, or act on any authorization.

- (c) The Zoning Commission shall elect a chair and vice chair from its membership and shall adopt rules necessary to the conduct of its affairs in keeping with this Resolution. Meetings shall be held at the call of the chair and at such other times as the commission may determine. The commission 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 public record and be immediately filed in the office of the Township Fiscal Officer. All meetings of the Zoning Commission shall be open to the public and notice of said meetings shall be posted on the Township website.

Section 6-2 – Powers and Duties

For the purposes of this Resolution, the Zoning Commission shall have the following powers and duties:

- (a) To review all proposed amendments to this Zoning Resolution and the Official Zoning Map and to submit a recommendation to the Board of Township Trustees.
- (b) To initiate proposed amendments to the Zoning Resolution and the Official Zoning Map.
- (c) To transmit all proposed amendments to the Cuyahoga County Planning Commission for their recommendation and to consider the Cuyahoga County Planning Commission's recommendations at a public hearing.
- (d) Make recommendations to the Board of Township Trustees on matters concerning planning, zoning and development in the unincorporated area of Chagrin Falls Township.

CHAPTER 7 – EROSION AND SEDIMENTATION

Section 7-1 – Submittal of Plans and Reports

- (a) Every person, firm or corporation who proposes to conduct any land disturbing activity shall follow the water management and sediment control standards and best management practices recommended by the Cuyahoga Soil and Water Conservation District and the Chagrin River Watershed Partners. Plans shall comply with all of the requirements of the Village of Moreland Hills for such activities.
- (b) Such land disturbing activities shall include:
 - (1) 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
 - (2) 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

- (3) 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
- (c) 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 a report prepared and certified by a professional engineer licensed in the State of Ohio.
- (d) 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 prepared by a licensed professional engineer 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

Section 8-1 – 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 8-2– 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 8-3 – 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 8-4 – 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 8-1(a) shall be higher than such grade.

Section 8-5– 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 8-6 – 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 8-7– 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 8-8 – Pool House

A pool house may be erected as an accessory building.

CHAPTER 9 – BOARD OF ZONING APPEALS

Section 9-1 – Board Established

- (a) 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.
- (b) 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 and shall be noticed by one publication in a newspaper of general circulation and written notice to parties in interest at least ten (10) days prior to the date of the hearing, and by placement of notice on the Township website. 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 Fiscal Officer and shall be a public record.
- (c) Three (3) members of the Board shall constitute a quorum at all meetings. A positive vote of three members shall be necessary to affect an order, take action, make decisions, or act on any authorization.

Section 9-2 – Powers and Duties

- (a) The Board of Zoning Appeals shall have the following powers:
 - (1) 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.
 - (2) 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 a practical difficulty or unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
- (b) 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 9-3 – Appeals, Notice and Hearing

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 Fiscal Officer shall notify all residents of the unincorporated part of the Township accordingly at least fourteen (14) days before this date. Upon the hearing, any party may appear in person or by attorney. The Board shall require that all testimony regarding a variance be given under oath.

Section 9-4 – Area Variances

Where the appeal requests an area variance, that is, a variance involving provisions relating to yard dimensions, setbacks, height, or similar spatial or dimensional requirements, then the applicant for the variance must demonstrate a practical difficulty. When determining whether a practical difficulty exists and if relief is warranted, the Board will consider the criteria listed herein and will assign each of the criteria such weight as the Board considers appropriate for each individual variance request. These criteria are not exclusive, nor must they all be met in order for the Board to make a determination that a practical difficulty exists and to grant a variance.

- (a) Whether the scale of the variance is necessary or whether a lesser variance would resolve the problem.
- (b) Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- (c) Whether the variance will adversely affect the delivery of governmental services.
- (d) Whether the property owner's predicament can be resolved through some reasonable method other than a variance.
- (e) Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.

Section 9-5 – Use Variances

Where the appeal requests a use variance, that is, a variance for the approval of a use which is not permitted in the district, then the applicant shall be required to demonstrate an unnecessary hardship. The following standards shall be considered and weighed in determining whether an unnecessary hardship has been established and whether the grant of a variance is warranted to afford relief of the unnecessary hardship:

- (a) Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.
- (b) Whether the variance is the minimum necessary to afford relief to the property owner.
- (c) Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- (d) Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- (e) Whether the hardship condition was created by actions of the applicant.
- (f) Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
- (g) Whether the use requested is similar in character to the permitted uses in the subject district.
- (h) Whether the subject property is adequate to meet the needs and requirements of the proposed use.

Section 9-6 – Issuance

No variance shall be granted by the Board of Zoning Appeals unless it has first made a positive determination, based upon the evidence presented to it at the hearing, that a practical difficulty or unnecessary hardship exists and that the granting of the variance will preserve the spirit and intent of this Zoning Resolution and that substantial justice will be done.

Section 9-7 – Conditions and Safeguards

In granting any appeal or variance, the Board may attach appropriate conditions and safeguards as it determines to be necessary and as are consistent with this Resolution and which shall become stipulations of the variance or appeal. Violations of such conditions and safeguards when made a part of the terms under which the appeal or variance is granted shall be deemed a violation of this Zoning Resolution

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT

Section 10-1 – Zoning Inspector

The Board of Township Trustees shall appoint a Zoning Inspector who shall be charged with the responsibility and authority for enforcing and administering the provisions of this Zoning Resolution.

Section 10-2 – Zoning Certificates

- (a) 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.
- (b) It shall also be unlawful to conduct any construction activity pursuant to 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.
- (c) 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.
- (d) The Township may retain the services of a consulting engineer to review proposed site development plans where it determines that such professional expertise is necessary to adequately evaluate the proposed development plans. The cost of such consulting services shall be borne by the applicant.

- (e) All applications 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 by the Zoning Inspector., All applications shall further include recommendations from the District Board of Health in regard to constructing a sewage disposal system and providing a water supply where applicable.. The application shall be made on such form as the Zoning Inspector may require, and shall be accompanied by a permit fee as established by resolution of the Township Trustees.

Section 10-3 – 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 five hundred dollars (\$500.00) 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 10-4– 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.

ZONING MAP/ ADDRESS INDEX

ZONING MAP NUMBER	STREET ADDRESS
1	636 FALL RD
2	624 FALLS RD
3A	622 FALLS RD
3B	610 FALLS RD
4	616 FALLS RD
5	608 FALLS RD
6	50 STONECREEK DR
7	40 STONECREEK DR
8	30 STONECREEK DR
9	60 STONECREEK DR
10	600 FALLS RD
11	70 STONECREEK DR
12	20 STONECREEK
13	10 STONECREEK DR
14	544 FALLS RD
15	542 FALLS RD
16	600 FALLS RD
17	560 AND 570 N MAIN ST
18	617 FALLS RD
19	VACANT
20	615 FALLS RD
21	510 N MAIN ST
22	611 FALLS RD
23	VACANT
24	506 N MAIN ST
25	504 N MAIN ST
26	541 FALLS RD
27	VACANT
28	537 FALLS RD
29	501 FALLS RD
30	449 N MAIN ST
31	491 N MAIN ST
32	495 N MAIN ST
33	505 N MAIN ST
34	511 N MAIN ST
35	559 N MAIN ST

ZONING MAP NUMBER	STREET ADDRESS
36	527 N MAIN ST
37	555 N MAIN ST
38	567 N MAIN ST
39	599 N MAIN ST
40	603 N MAIN ST
41	607 N MAIN ST
42	615 N MAIN ST
43	VACANT
44	621 FALLS RD
45	625 FALLS RD
46	629 AND 633 FALLS RD

ZONING INDEX MAP

