ORDINANCE NO. 9, 2017

AN ORDINANCE REPEALING SECTION 154.019 OF THE MARBLEHEAD CODIFIED ORDINANCES AND ENACTING A NEW SECTION 154.019 TO ENACT SETBACK REQUIREMENTS FOR WATERFRONT LOTS

WHEREAS, the Village of Marblehead Planning Commission has examined the Codified Ordinances regarding setbacks for waterfront lots; and

WHEREAS, the Village of Marblehead Planning Commission has determined that waterfront lot setbacks should be established; and

WHEREAS, the Planning Commission has met the statutory requirements to recommend a change in the zoning law in Marblehead regarding waterfront setbacks which included a public hearing;

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARBLEHEAD, OTTAWA COUNTY, OHIO:

Section 1.

The Village of Marblehead Codified Ordinances Section 154.019 is hereby repealed in its entirety as currently written.

Section 2.

That Section 154.019 of the Village of Marblehead Codified Ordinances shall be enacted as follows: See Exhibit A.

Section 3.

This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of Council, and of its committees, which result in formal action, were taken in full compliance with the applicable legal requirements.
Approved: August 23, 2017

Jacqueline A. Bird, Mayor

Attest:

Rhonda Botti Sowers, Fiscal Officer

Dated: August 23, 2017

1st Reading July 26, 2017  2nd Reading Aug 9, 2017  3rd Reading August 23, 2017

Passed: yes x no  Vote: yea 5 nay 0  Immediate effect: yes no
§ 154.019 GENERAL YARD REQUIREMENTS.

(A) Notwithstanding the required general yard requirements for front and rear setbacks set forth in each zoning district, the following shall apply:

(1) A lot that has existing dwellings on both adjacent lots each within 400 feet, the required front and rear yard setback shall be the average of the two. In the event that only one adjacent lot is within 400 feet that has an existing dwelling, the required front and rear yard setback shall be the same as the existing dwelling. In the event there are no dwellings adjacent within 400 feet, the front and rear yard setback shall be as stated in that district.

(2) A lot in which the rear yard is adjacent and contiguous to Lake Erie or Sandusky Bay that has an existing dwelling on both adjacent lots each within 400 feet, the required rear yard setback shall be the average of the two. In the event that only one adjacent lot is within 400 feet and has an existing dwelling, the required rear yard setback shall be the same as the existing dwelling. In the event there are no dwellings adjacent within 400 feet, the rear yard setback shall be a minimum of 60 feet.

(B) Generally. Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this chapter.

(C) Yard measurements.

(1) The minimum front yard depth shall be measured on the perpendicular from the street right-of-way line to the building setback line.

(2) The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to the nearest point of the principal building.

(3) (a) Corner lots shall comply with the minimum front yard depths on both streets.

(b) Double fronting lots shall comply with the minimum front yard depths on both streets.

(D) Yard for single building.

(1) No required yard or other open space around one building shall be considered as a yard or open space for any other building.

(2) No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

(E) Clear view of intersecting streets. In all zones which require a front yard, no obstruction in excess of two feet in height shall be placed on any corner lot within the triangular area formed by the street right-of-way lines or the projected point of intersection of the street right-of-way lines and a line connecting points 25 feet from the intersection of the street right-of-way lines or the projected point.

(F) Yard exceptions.

(1) Fences, hedges and walls.

(a) Generally. In all districts, except industrial and commercial, fences, hedges and walls may be constructed to a maximum height of six feet in any required side or rear yard beginning at the building lot line and to a height of two and one-half feet in any required yard abutting a street.

(b) Facing. The finished surfaces of any fence shall face toward adjacent properties and street frontage.
(2) Accessory buildings. All accessory buildings shall be subject to the following regulations and shall be permitted only on lots with a principal building already substantially completed.

(a) 1. In residential or business districts one-story detached garages or other accessory buildings may be located a minimum of five feet from side and rear property lines and a minimum of ten feet to the back of the principal building. Accessory buildings shall be located in the rear yard except for garages which may be located in the rear or side yard.

2. The maximum floor area permitted for the accessory building may not exceed 1,200 square feet or 50% of the floor area contained within the residential principal dwelling or 50% of the ground floor area of a commercial principal building, whichever is larger.

3. Such buildings shall not exceed 20 feet in height;

(b) For lots which have frontage on the waters of Sandusky Bay or Lake Erie (lake lots), the following shall apply:

1. Accessory buildings may be located in the front, rear or side yards.
2. For a corner lot, the front yard setback shall be met for both streets.
3. Such buildings shall be no closer than 60 feet to the rear (water side) lot line, and no closer than five feet to the main building. The minimum front yard (road side) setback shall be 35 feet in Residential Districts and 25 feet in the Business District, and the minimum side yard setback of the district in which the lot is located shall be met.
4. The accessory structure shall not exceed 20 feet in height.
5. The accessory structure shall not occupy more than the equivalent of two-thirds of the living space of the residential principal dwelling or two-thirds of the ground floor area of a commercial principal building, but shall not exceed 850 square feet.

(3) Terraces, uncovered porches, platforms and ornamental features.

(a) Terraces, uncovered porches, platforms and ornamental features, including railings, which do not extend more than two feet above the level of the ground adjoining the first story, may project into a required side yard, provided these projections be at least two feet from the adjacent lot line.

(b) The ordinary projections of chimneys or flues are permitted into the required side and front yards.

(4) Use of front yard. Front yards in all districts shall be appropriately landscaped.

(Ord. passed - -; Am. Ord. passed 2-10-2000; Am. Ord. 7, 2011, passed 6-23-2011) Penalty, see § 154.999