

# COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2020-56

By Gene Zacharyasz Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

**AMENDING SECTION 201.05(B) TABLE 2, R-SF-A AND R-SF-B ZONING DISTRICT DEVELOPMENT STANDARDS, AND REPEALING AND REPLACING SECTION 201.06, PERMITTED OBSTRUCTIONS WITHIN REQUIRED YARDS OR OTHER REQUIRED OPEN SPACE, OF THE ZONING CODE OF THE CITY OF BEREA, AS ADOPTED MAY 7, 2012, AND AS AMENDED THEREAFTER, TO MODIFY THE DEVELOPMENT STANDARDS FOR RESIDENTIAL ACCESSORY USES.**

**WHEREAS**, the Zoning Code of the City of Berea, Ohio, was enacted by Ordinance No. 2012-29 and adopted on May 7, 2012; and

**WHEREAS**, it is important to periodically review and appropriately amend the Zoning Code of the City of Berea to ensure that it serves the best interests of the City and its residents and businesses; and

**WHEREAS**, Section 201.05 of the Zoning Code provides for development standards for Accessory Uses in residential districts; and

**WHEREAS**, certain lots, that have frontage on a main thoroughfare and an alley, cannot meet the current zoning and building code requirements for accessory uses; and

**WHEREAS**, Section 201.06 of the Zoning Code provides for permitted obstructions within required yards or other required open space; and

**WHEREAS**, Section 201.06 does not currently provide for accessory structures abutting an alley; and

**WHEREAS**, these Zoning Code amendments will permit accessory structures on lots abutting an alley provided certain criteria are met.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That Section 201.05, Development Standards, at subsection (B), Table 2: R-SF-A and R-SF-A Zoning District Development Standards, Note (b), which has heretofore read as follows:

Notes:

(b) Accessory structures are not permitted in the front yard or side yard unless expressly provided for in this Code.

**shall be, and the same is hereby amended to, read as follows:**

Notes:

(b) Accessory structures are not permitted in the front yard or side yard unless expressly permitted in Section 201.06(N) or as otherwise expressly permitted in this Code.

**SECTION 2.** That Section 201.06, Permitted Obstructions Within Required Yards or other Required Open Space, which has heretofore read as follows:

The following are permitted obstructions within required yards or other required open space (subject to the height and lot coverage regulations set forth in Table 2, and to any other provisions of this Code applicable thereto) provided they are so located that natural light and ventilation are not materially obstructed from the main building or any adjoining property.

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- (A) Architectural features extending not more than (1) foot into a required yard.
- (B) Awnings and canopies extending not more than two (2) feet into a required yard.
- (C) Window air conditioners.
- (D) Ground mounted or building mounted exterior air conditioner units may extend into the side yard or rear yard area provided that no portion of the unit or appurtenances thereto extend more than forty-eight (48) inches from the exterior building wall.
- (E) Chimneys projecting no more than one (1) foot into a required yard.
- (F) Eaves, gutters or downspouts projecting no more than sixteen (16) inches into a required yard.
- (G) Walls and fences subject to the regulations set forth in §309.06.
- (H) Steps - excluding fire escapes.
- (I) Pedestrian walks.
- (J) Vehicular access, circulation and service driveways and off-street parking areas subject to Chapter 301 (but not including any above-ground structure except pavement, curbing, and illumination).
- (K) Signs, subject to Chapter 303.
- (L) Uncovered Patios.
- (M) Decks may extend into the rear yard area only.

**shall be repealed and replaced in its entirety to read as follows:**

## **201.06 Permitted Obstructions Within Required Yards or other Required Open Space**

The following are permitted obstructions within required yards or other required open space (subject to the height and lot coverage regulations set forth in Table 2, and to any other provisions of this Code applicable thereto) provided they are so located that natural light and ventilation are not materially obstructed from the main building or any adjoining property.

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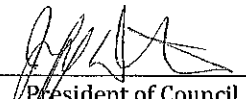
(N) Accessory structures abutting an alley. Parcels that have lot frontages abutting an alley may construct an accessory structure in the front yard that abuts the alley. The determination of whether a yard abuts an alley shall be based on the definition of "Alley" found in Chapter 400 of this Zoning Code and shall not include the yard serving the architectural front of a structure. The following standards shall be met when proposing an accessory use located in a front yard abutting an alley:

- (1) The accessory structure is set back a minimum of ten (10) feet from the property line that abuts the alley.
- (2) The accessory structure is set back a minimum of five (5) feet from the side lot line.
- (3) The maximum land coverage area for all accessory structures located in a front yard abutting an alley shall be twenty-five percent (25%). This maximum 25% coverage area is based on the available yard area found in the designated front yard abutting an alley and such total square footage of all permitted accessory uses shall not exceed 25% coverage of the available front yard area abutting an alley.
- (4) Maximum height of an accessory structure is fifteen (15) feet.
- (5) Swimming pools proposed to be located in a yard abutting an alley must follow the regulations set forth in Section 309.05.

**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

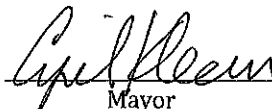
**SECTION 4.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: December 21, 2020

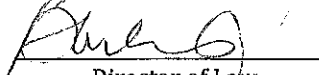
  
President of Council

ATTEST:   
Clerk of Council

APPROVED: December 21, 2020

  
Mayor

APPROVED AS TO FORM:

  
Director of Law