

ORDINANCE NO. 106-21

BY: **ROY J. JECH**

AN ORDINANCE TO AMEND SECTION 1189.08 "FRONT YARD LINE EXCEPTIONS" IN CHAPTER 1189 "FRONT YARDS" OF PART ELEVEN "PLANNING AND ZONING CODE" OF THE PARMA CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, in accordance with the Constitution of the State of Ohio and the Ohio Revised Code, the City of Parma has the power to enact a property maintenance code that is intended to protect the health, welfare and safety of the citizens of the City; and

WHEREAS, the City of Parma has enacted a property maintenance code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That Section 1198.08 "Front Yard Line Exceptions" of the Codified Ordinances of Parma, Ohio which presently reads:

"1189.08 FRONT YARD LINE EXCEPTIONS.

(a) The subsequent widening of a street shall not serve to change the location of an established building line, except where it would lie within the new street.

(b) Whenever the plat of a land subdivision approved by the City Planning Commission and on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front or side street yard, the building line thus shown shall, along the frontage, apply in place of any other yard line herein provided, except the specific building lines provided in Section 1189.06.

(c) Whenever any parcel of land now separately owned and which was so owned prior to the passage of Ordinance 1384 (May 4, 1931) or at the time of any amendment thereto requiring a deeper front or side yard line as to such parcel, is of such restricted dimensions that it cannot be appropriately improved without building beyond the front or the side street yard line established by this Zoning Code, the Board of Zoning Appeals may, on application in a specific case, authorize the construction of a building beyond the yard line to an extent necessary to secure an appropriate improvement of the parcel of land when not unreasonably injurious to other affected property or to the general interest of the City.

(d) Entrance canopies or similar overhanging roofed spaces covering not more than twenty square feet of horizontal area for each forty feet of lot frontage, porticos or bays projecting not more than three feet, exclusive of cornices, and aggregating a vertical area in any story of not more than twenty percent of the area of the face of that story, are exempt from the front or side street yard restrictions of this Zoning Code on buildings not nearer the street line than ten feet. Also, exempt are steps and landings below the level of the first floor and hedges, ornamental fences and walls not more than three feet, six inches high above the grade level."

is hereby amended to read as follows:

“1189.08 FRONT YARD LINE EXCEPTIONS.

(a) The subsequent widening of a street shall not serve to change the location of an established building line, except where it would lie within the new street.

(b) Whenever the plat of a land subdivision approved by the City Planning Commission and on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front or side street yard, the building line thus shown shall, along the frontage, apply in place of any other yard line herein provided, except the specific building lines provided in Section 1189.06.

(c) Whenever any parcel of land now separately owned and which was so owned prior to the passage of Ordinance 1384 (May 4, 1931) or at the time of any amendment thereto requiring a deeper front or side yard line as to such parcel, is of such restricted dimensions that it cannot be appropriately improved without building beyond the front or the side street yard line established by this Zoning Code, the Board of Zoning Appeals may, on application in a specific case, authorize the construction of a building beyond the yard line to an extent necessary to secure an appropriate improvement of the parcel of land when not unreasonably injurious to other affected property or to the general interest of the City.

(d) Entrance canopies or similar overhanging roofed spaces covering not more than ~~twenty~~ **NINETY-SIX** square feet ~~IN of horizontal~~ area for each forty feet of lot frontage, porticos or bays projecting not more than ~~three~~ **EIGHT** feet, exclusive of cornices, and **NOT WIDER THAN 60% OF THE WIDTH OF THE FACE OF THE DWELLING** aggregating a vertical area in any story of not more than twenty percent of the area of the ~~face of that story~~, are exempt from the front or side street yard restrictions of this Zoning Code on buildings not nearer the **RIGHT-OF-WAY** street line than ~~ten~~ **FIFTEEN** feet. Also, exempt are steps and landings below the level of the first floor and hedges, ornamental fences and walls not more than three feet, six inches high above the grade level.”

Section 2. That Section 1189.08 “Front Yard Line Exceptions” in Chapter 1189 “Front Yards” of Part Eleven “Planning and Zoning Code” of the Codified Ordinances of the City of Parma, as it existed heretofore, is hereby amended.

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 the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all the legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to amend the code as soon as possible, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____
MAYOR, CITY OF PARMA, OHIO