

ORDINANCE NO. 29-21

AN ORDINANCE AMENDING SECTIONS 1125.02(1), 1135.09(a), 1143.01, 1143.08, 1145.03(a), 1151.02, 1155.11, 1161.08 SETBACK LINE, 1161.08 YARD, 1163.03, 1165.10, AND 1167.15(d) AND REPEALING SECTION 1135.06(b)(3) OF THE CODIFIED ORDINANCES OF PORT CLINTON PLANNING AND ZONING CODE AND DECLARING AN EMERGENCY

WHEREAS, the City of Port Clinton has enacted Ordinances to create a Planning and Zoning Code; and

WHEREAS, the Planning and Zoning Code was created to promote public health, peace, safety, morals, comfort, convenience and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; to facilitate adequate and economical provisions for public improvements; to lessen danger and congestion of transportation facilities; and to avoid an undue concentration of population; and

WHEREAS, the Planning and Zoning Code is reviewed periodically and changes are made to the Code when deemed necessary to meet the needs of the City; and

WHEREAS, this Council finds and determines that Sections 1125.02(1), 1125.02(112), 1135.09(a), 1143.01, 1143.08, 1145.03(a), 1151.02, 1155.11, 1161.08 Setback Line, 1161.08 Yard, 1163.03, 1165.10, and 1167.15 need to be amended and regulated through the Planning and Zoning Code of the City; and

WHEREAS, this Council finds and determines that Section 1135.06(b)(3) needs to be repealed as it is already addressed in another section of the Planning and Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. Section 1125.02(1) is hereby amended to read as follows:

1125.02 SPECIFIC TERMS DEFINED.

For the purpose of this Zoning Ordinance, the following terms shall be interpreted as follows:

- (1) "Accessory building **or structure**" means a detached subordinate building **or structure** that is located on the same lot as a principal building and not used or designed for human occupancy; and the use of which is clearly incidental to the use of the land or to the use of the principal building.

Section 2. Section 1135.09(a) is hereby amended to read as follows:

1135.09 ACCESSORY BUILDINGS, STRUCTURES AND USES.

- (a) Accessory Building/Structures All accessory buildings and/or structures shall be subject to the following regulations:
 - (1) They shall be located in the rear or side yard and shall not be placed in front of the front façade of the primary structure;
 - (2) An accessory building/structure shall be no closer than five feet from the principal building. If attached to such structure, it shall be considered part of the principal building;
 - (3) Accessory buildings/structures shall be at least ten feet from any alley or five feet from the rear or side lot line, whichever is greater;
 - (4) An accessory building/structure shall not project into the minimum front yard setback of a through lot;
 - (5) On lots where the rear yard abuts a side yard of a corner lot, the accessory building shall not project beyond the front yard of such corner lot;
 - (6) Accessory buildings/structures may not occupy more than thirty percent (30%) of the required rear yard in residential districts; and
 - (7) An accessory building/structure may not exceed twenty feet in height in a residential district.

Section 3. Section 1143.01 is hereby amended to read as follows:

1143.01 DIMENSIONAL REQUIREMENTS FOR DWELLINGS.

The following chart establishes minimum dimensional requirements for dwellings by districts:

District	Minimum Lot Area Per Unit (sq. ft.)	Minimum Lot Width (ft.)	Minimum Front Yard (ft.)	Minimum Rear Yard (ft.)	Minimum Side Yard (on each side)(ft.)	Maximum Building Height (ft.)
R-1	8800	80	40	25	10	25
R-3						
One-Family	7200	50	35	25	5	35
Two-Family	5000	50	35	25	5	35
R-4						
One-Family	7200	50	35	25	5	35
Two-Family	5000	50	35	25	5	35

to be decided by the Planning Commission upon submittal of detailed site plans by the developer.

****For existing lots, see conditions prescribed in Section 1141.06.**

****Residential uses located on any non-residentially zoned parcel shall conform to the R-4 zoning standards. (See accessory uses)**

Section 4. Section 1143.08 is hereby amended to read as follows:

1143.08 MISCELLANEOUS PROVISIONS.

- (a) Any business or industrial use that has any side yard between buildings shall have a side yard of at least ten feet.
- (b) All units of linear measurement herein shall be feet and the numerical references in Section 1143.07 shall be square feet.
- (c) **All nonresidential lots shall have a minimum width of 50', a minimum depth of 110', and a minimum area of 5,500 square feet, except as otherwise specified in 1143.02.**
- (d) **Corner and double frontage lots shall comply with the minimum front yard depths on both streets.**
- (e) **Lots located at the intersection of a street right-of-way and alley shall not be considered corner lots and the alley side of the lot shall meet the side yard setback requirement of the zoning district in which it is located.**

Section 5. Section 1145.03(a), is hereby amended to read as follows:

1145.03 OFF-STREET PARKING.

(a) General. To reduce traffic problems and hazards by eliminating on-street parking, every use of vacant land hereafter started or changed shall include on-premises parking sufficient for the needs normally generated by the use as provided herein, **except those parcels located in the Central Business District.** Parking spaces or bays contiguous to the street, required by subdivisions or other ordinances, or voluntarily supplied, are in addition to and not in place of the spaces herein required.

Section 6. Section 1151.02 is hereby amended to read as follows:

1151.02 CONFLICTS BETWEEN OVERLAY DISTRICT AND UNDERLYING ZONING DISTRICT.

Where conflicts occur between the Downtown Waterfront Overlay District requirements and those of the underlying zoning district, the Downtown Waterfront Overlay District requirements shall apply and prevail **except in the Central Business District.**

Section 7. Section 1151.11 is hereby amended to read as follows:

1155.11 PARKING.

The parking requirements of the underlying district shall apply for each permitted use except in the **Central Business District.** Parking is prohibited in that area of the lot that faces the waters of Lake Erie or the Portage River. An effort shall be made to break up large expanses of pavement with landscaped plantings. Gravel lots shall be avoided and landscape buffering shall be required to soften the view of cars in parking areas.

Section 8. Sections 1161.08 Setback Line, 1161.08 Yard, are hereby amended to read as follows:

1161.08 DEFINITION OF TERMS.

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

Setback Line: A line established by these regulations generally parallel to and measured from the lot line, defining the area in which no buildings or structures may be located above ground in the front yard, **side, and rear yard.**

Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward, provided

accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- (a) Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- (b) Side yard: **A yard, between the principal building and the side lot line, that extends from the front lot line, or street right of way, to the rear lot line, and the width of which is the least distance between the side lot line and the adjacent side of the building.**
- (c) Rear yard: **means a yard that extends across the full width of the lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance from the rear lot line to the rear of the principal building.**

Section 9. Section 1163.03, is hereby amended to read as follows:

1163.03 YARD SETBACK REQUIREMENTS.

A minimum front, **side, and rear** yard setback established at the building setback line measured from the edge of the road right-of-way, **and the side and rear lot lines** shall be required and shown on the drawings submitted for review and approval.

Section 10. Section 1165.10, is hereby amended to read as follows:

1165.10 REPLATS, VACATIONS, STREETS, OPEN SPACES AND EASEMENTS.

A subdivider proposing the resubdivision of a plat previously recorded in the office of the County Recorder shall follow the same procedure as for a new plat. Proposals of subdivision vacation/abandonments shall meet the requirements of Section **711.17 through 711.23** of the Ohio Revised Code. Plats of street openings, widenings, and extensions; open spaces for common use by owners, occupants, or leaseholders; and easements for the extension and maintenance of public sewer, storm water drainage, or other public utility shall have the same plat requirements as stated above. Provision for the subdivision of land for use by utility companies shall be considered on the basis of the special conditions in each case.

Section 11. Section 1167.15(d), is hereby amended to read as follows:

1167.15 LOTS.

The following regulations shall govern the design and layout of lots:

- (a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- (b) All lots shall conform to or exceed the requirements of these regulations and applicable zoning requirements.
- (c) Each lot shall front on, be contiguous to, or border on a public street.
- (d) **The minimum lot area and width for any development shall be determined by the zoning district in which the lot(s) is located. If no minimum requirements exist in the district in which the lot(s) is located than the lot(s) shall have a minimum lot area of four thousand eight hundred (4,800) square feet and a minimum lot width of sixty (60) feet.**
- (e) In residential subdivisions, a minimum front, side, and rear setback line as established by the zoning district shall be required. The Commission may require additional setback in unique situations. Front setback lines shall be measured from the road right-of-way line.
- (f) All side lot lines should be straight lines and should be at right angles to street lines or radial on curved street lines except where the Commission determines that a variation would benefit the public interest.

- (g) Lots with double frontage shall be avoided except where the Commission determines that it is essential to overcome specific topographical disadvantages and orientation and location problem due to existing street.
- (h) No corner lot shall have a width, measured at the required front setback line, of less than seventy-five (75) feet.
- (i) Lots fronting on a street upon which no other lots face should be avoided. No rear lot line should border adjacent side lot lines. Where the rear lot lines of a subdivision border a thoroughfare, the Commission may require a screen planting contained in a non-access easement or reservation along said road.
- (j) No lot shall have an average depth which is more than five (5) times its average width, nor shall the depth of any lot be less than one hundred twenty (120) feet measured from the edge of the road right-of-way.

Section 12. Existing Sections 1125.02(1), 1125.02(112), and 1145.03(a) as enacted by Ordinance 22-08, passed October 14, 2008 are hereby repealed. Existing Sections 1135.06(b)(3), 135.09(a), 1143.01, and 1143.08 as enacted by Ordinance 18-90, passed June 26, 1990 are hereby repealed. Existing Sections 1151.02 and 1155.11 as enacted by Ordinance 25-04, passed October 12, 2004 are hereby repealed. Existing Sections 1161.08, 1163.03, 1165.10, and 1167.15 of the Codified Ordinance are hereby repealed.

Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so the changes to the Planning and Zoning Code can take effect immediately; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2021

President of Council

Attest: _____
Clerk of Council

Approved _____, 2021

Mayor