

ORDINANCE 704-07-18

**AN ORDINANCE AMENDING SECTIONS 1117.12 AND 1121.20 OF THE
CODIFIED ORDINANCES OF ROAMING SHORES VILLAGE PLANNING
AND ZONING CODE, AND NOT DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Roaming Shores, Ohio:

SECTION 1. Section **1117.12 AUTHORIZED VARIANCE**, is hereby amended to read as follows:

Variances from the regulations of this Ordinance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 1117.05, and Section 1117.06, if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- To permit any yard or setback less than the yard or setback required by the applicable regulations.
- To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
- To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
- To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
- To increase the maximum allowable size or area of signs on a lot
- To increase the maximum gross floor area of any use so limited by the applicable regulations

SECTION 2. Section **1121.20 GENERAL REQUIREMENTS**, is hereby amended to read as follows:

Except as otherwise provided in the Village Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall be no greater than twelve hundred (1200) square feet in all residential districts of the Roaming Shores Subdivision provided that no accessory structure shall have a gross first floor area greater than the primary structure. In all other districts it shall be fifty (50) percent or less of the gross floor area of the principal use or structure, except where additional space is needed to comply with off-street parking requirements.
2. It shall not contain or be used as a dwelling unit. An accessory structure may contain not more than one plumbed toilet and a lavatory defined as a fixed bowl with running water and drainpipe for washing provided that:
 - ~~3.~~ a) both the water supply and the sanitary lines are connected to a water supply system and a sanitary sewer system in accordance with the Village Code or as approved by the County Health Department.
 4. b) the accessory structure has a permanent foundation and floor, and meets the standards of the Ashtabula County Building Department.
 - ~~5.~~ c) the minimum gross floor area is at least 200 square feet and the toilet facility is enclosed.
 - d) the accessory structure shall not contain a shower or bathtub.
 - e) the owner of the lot shall sign an affidavit, under oath, affirming that the accessory structure shall not be inhabited or otherwise serve as a residence for any person no matter the duration.
 - f) floor drains may be installed provided that they are connected to the sanitary system, properly vented and are attached to a water/oil separator.
 - g) all water lines to an accessory structure must be attached to a backflow preventer.
 - ~~6.~~ h) no more than one accessory structure per lot shall contain a toilet or lavatory.
3. ~~It shall not exceed thirty-five (35) feet in height~~The dimensions of an accessory structure shall not exceed the following:
 - a) height no more than twenty-five (25) feet
 - b) floor to bottom of ceiling joist no more than sixteen (16) feet.

c) Width no more than thirty-two (32) feet

d) Roof Slope ratio no greater than 6\12

~~7.4.~~ It shall meet all yard requirements of the principal use unless otherwise specified in this Ordinance. Docks, seawalls, and structures required for environmental or safety purposes shall be exempt from the yard requirements specified in this Ordinance. Uncovered decks shall be exempt from the rear yard requirements in this ordinance. Walkways extending from the seawall no greater than eight (8) feet are exempt from side yard setback requirements.

~~8.5.~~ Flag poles and fences supported by pressure treated wood posts or similar type posts may be placed in the setback lines of residential properties (except rear setback lines of lake front property) without a variance. Permission in writing from the adjacent lot owner(s) is mandatory for fences and no known utilities can exist within the setback.

~~9.6.~~ The only acceptable structure that is allowed in the roadside utility easement is a light pole.

~~10.7.~~ Notification of all utilities is required before digging holes for any structure.

~~11.8.~~ No permanent toilets are permitted to be constructed outside of principal structure (house).

~~12.9.~~ Docks or any other structure shall extend no farther than 20 feet into the lake from the existing seawall or 20 feet into the lake from the approved overhang.

~~13.10.~~ No permanent driveway on RES (Residential) zoned property, allowing access for boats to be launched or retrieved, shall be constructed to the lake.

(Ord. 381-02-03. Passed 5-20-03.)

SECTION 3. That it is hereby 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 those 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 is not an emergency and shall not take effect until thirty (30) days after its passage.

PASSED this _____ day of _____, 2018.

Jennie D'Amicone, Mayor

ATTEST:

Leeann Moses, Clerk/Treasurer

Kyle B. Smith, Solicitor

Planning Commission Certification

I hereby certify that the Planning Commission approved this Ordinance, as written, on the _____ day of _____, 2018.

Chair, Planning Commission
Village of Roaming Shores, Ohio

I hereby certify that a summary of the foregoing ordinance was published twice by the Gazette News on the following dates, _____ and _____.

Village Clerk