

**ORDINANCE NO.: 2022-09**

**INTRODUCED BY:** Mayor Annette M. Blackwell

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

**AN ORDINANCE ENACTING NEW SECTION 1292.06 TO ZONING CODE CHAPTER 1292, ENTITLED NONCONFORMING USES, DEFINING LOTS OF INSUFFICIENT AREA OR YARD WIDTH AS NONCONFORMING AND DEFINING USES FOR SUCH NONCONFORMING LOTS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Economic Development Director has recommended that Chapter 1292 of the City's Zoning Code be amended to add new Section 1292.06 defining lots which do not comply with the area and/or average width regulations for the zoning district in which the lot is located to be nonconforming and defining uses for such nonconforming lots; and

**WHEREAS**, Cod. Ord. Section 1268.03(A) requires that amendments to the Zoning Code text be initiated by adoption of a motion by the Planning and Zoning Commission; and

**WHEREAS**, on November 10, 2021, the City applied to the Planning and Zoning Commission (PZC) under **Case No. 2021-PZ-52** requesting approval to amend the Zoning Code text to add new Section 1292.06 defining lots which do not comply with the area and/or average width regulations for the zoning district in which the lot is located to be nonconforming and defining uses for such nonconforming lots; and

**WHEREAS**, on December 13, 2021, after notice being posted, the PZC held a public hearing and meeting wherein it reviewed the City's application and by motion approved amending the Zoning Code text to add new Section 1292.06 defining lots which do not comply with the area and/or average width regulations for the zoning district in which the lot is located to be nonconforming and defining uses for such nonconforming lots; and

**WHEREAS**, Council, based on the recommendations and approvals of the Economic Development Director and PZC, now desires to amend the Zoning Code text to add new Section 1292.06 to Chapter 1292 defining lots which do not comply with the area and/or average width regulations for the zoning district in which the lot is located to be nonconforming and defining uses for such nonconforming lots.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, that:

**Section 1.** The following new Section 1292.06 is hereby enacted as part of the City's Zoning Code, to read as follows:

**“1292.06 Lots of record of insufficient area or yard width**

A lot of record which does not comply with the area and/or average width of lot regulations of the district in which it is located on the effective date of this Zoning Code or any amendment thereto shall be nonconforming and may be used as follows:

- A. If occupied by a dwelling, such dwelling may be maintained, repaired or altered, subject to the provisions above, provided, however, that the building may not be enlarged in floor area unless the depth of front yard, total width of side yards and the rear yard regulations of this Zoning Code are complied with or variance be granted by the Planning and Zoning Commission.
- B. If vacant, the lot may be used similar to a conforming lot, subject to the restrictions of the Zoning District the lot is located in, provided that:
  - 1. No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this Zoning Code;
  - 2. Not owning adjoining land, other vacant land cannot be equitably acquired adjoining the lot; and
  - 3. All other provisions of this Zoning Code and other ordinances and laws of the Municipality, County and State, except lot area and lot width regulations, shall be complied with.”

**Section 2.** The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the publisher of the Codified Ordinances of the City for immediate inclusion of newly enacted Section 1292.06 in the current print and electronic editions of the City’s Codified Ordinances.

**Section 3.** 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 on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4.** This Ordinance constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that it is necessary to define nonconforming lots, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2022

\_\_\_\_\_  
Ron Jackson, Council President

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Annette M. Blackwell, Mayor

Approved as to legal form:

\_\_\_\_\_  
Frank Consolo, Director of Law

ATTEST: \_\_\_\_\_  
Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: \_\_\_\_\_

\_\_\_\_\_  
Leonette Cicirella Johnson, Clerk of Council