

PUBLIC NOTICE

PUBLIC HEARING

Notice is hereby given that on Monday, November 7, 2016 at 7:15 P.M. local time, pursuant to Beachwood Codified Ordinance Section 1101.35, a Public Hearing will be held regarding Proposed Ordinance No. 2016-76, amending Chapter 1155. 05 Keeping of Farm Animals and Fowl of the Beachwood Codified Ordinances for the City of Beachwood, at the Beachwood City Council Chambers, 25325 Fairmount Boulevard, Beachwood, Ohio.

The Proposed Ordinance No. 2016-76 is attached.

By order of the Council of the City of Beachwood on March 21, 2016.

Whitney M. Crook
Assistant Clerk of Council
City of Beachwood
Beachwood, OH 44122

Date for Advertisement of Legal Notice of Public Hearing in News Herald: Thursday September 22, 2016 and Thursday October 6, 2016

INTRODUCED BY: James Pasch

ORDINANCE NO. 2016-76
(Amended 11-7-16)

AN ORDINANCE AMENDING BCO CHAPTER 1113 TITLE "SINGLE FAMILY HOUSE DISTRICT," SECTION 1113.02 AND ADDING SECTION 1132.11 AND AMENDING BCO CHAPTER 1155 TITLED "SPECIAL AND CONDITIONAL USES" BY REPEALING SECTION 1155.05.

WHEREAS, on April 18, 2016, the Applicant submitted requested text amendments to BCO Section 1155.05 05 titled "Keeping of Domestic Farm Animals;" and

WHEREAS, on June 20, 2016, this Ordinance was placed on first reading and referred to the Planning and Zoning Commission for review and recommendation; and

WHEREAS, on July 28, 2016, the Planning and Zoning Commission discussed the proposed amendments to BCO Section 1155 regarding keeping fowl within the City; and

WHEREAS, the City Planner proposed an alternative amendment to the Codified Ordinances that would achieve the Applicant's goals; and

WHEREAS, the Planning and Zoning Commission unanimously approved the recommendation of the City Planner and has referred their recommendation for amendment back to City Council; and

WHEREAS, a Public Hearing was held on the 7th day of November 2016 at 7:15 P.M. at Beachwood City Hall, Council Chambers and this Ordinance shall be read by Council on three separate occasions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1. The Council of the City of Beachwood does hereby amending BCO Chapter 1113 title "Single Family House District" as follows (new text in **bold**):

1113.02 ACCESSORY USES.

An accessory use is permitted in a Class U-1 District, provided that such accessory use is located upon the same lot or use to which it is accessory.

(a) Garages. Each dwelling shall have an enclosed garage space for at least one (1) vehicle, but the total garage floor area for any dwelling shall not exceed 1,050 square feet of gross floor area.

(b) Home Occupations. Home occupations are permitted for professional and business offices where each person employed in such business or profession actually resides at the residence and where all employees are members of a family as defined in Section 1101.22. Such business or professional office shall not have any signage. No residence may be used as a store, trade or business for the sale or storage of any merchandise or other property declared unlawful by the laws of the United States, the State and/or the City. The sale of personal furniture and furnishings owned

and used by the occupants may be sold as is otherwise regulated by City ordinance.

(c) Parking. The parking or storage of any truck, bus or other commercial vehicle is prohibited unless the vehicle is in actual use, performing a service or delivering or picking up merchandise or persons from the property, or unless such vehicle is parked entirely within an enclosed accessory garage located on the same lot as the residence. Motor vehicles shall be parked only within an enclosed garage or on a paved driveway.

A motor vehicle which is not capable of operation on a public street or highway shall not be parked or permitted to remain outside of an enclosed garage.

(d) Roomers. Each residence may rent not more than one bedroom to two persons as roomers

(e) Accessory Recreation Structures. Accessory recreation structures, such as children's play equipment and fenced courts, may be permitted provided such accessory recreation structures:

- (1) Are located in the rear yard behind the principal building;
- (2) Are located a minimum of ten feet from the rear lot line;
- (3) Comply with the side yard setbacks contained in Section 1113.05.

Tree houses and accessory recreation structures are not included in the definition of "building" or "structure" as set forth in Section 1101.07.

(f) Chickens. Keeping of chickens is permitted on parcels located in the A-1 Area District subject to the provisions of Section 1113.11.

1113.11 CHICKENS.

Chickens shall only be permitted as an accessory use in A-1 Area Districts where the following requirements and standards are met and pursuant to a permit obtained from the Building Commissioner:

(a) Chickens shall be restrained at all times in a structure or coop designed to house them. Such structure shall be no larger than four feet by four feet by four feet enclosed on all sides and on top and maintained in sanitary condition and good repair.

(b) No more than two (2) chickens may be kept on any building lot.

(c) Chicken coops shall be located behind the principal dwelling and not less than twenty (20) feet from any side or rear lot line and not less than fifty (50) feet from any existing residence on an adjacent property.

(d) Violation of any of these provisions may result in revocation of the permit by the Building Commissioner. Once a permit for keeping chickens has been revoked for violation of these provisions, no further permit for keeping chickens shall be issued for the subject property except pursuant to a hearing and determination by the Planning and Zoning Commission.

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Section 2. Amend Chapter 1155 title “Special and Conditional Uses” by repealing Section 1155.05 titled “Keeping of Domestic Farm and Animals and Fowl” in its entirety.

Section 3. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the __ day of _____, 2016, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the __ day of _____, 2016.

Clerk

Approval: I have approved this legislation this __ day of _____, 2016 and filed it with the Clerk.

Mayor