AGENDA

Agenda, Bay Village City Council
Committee Meeting
Conference Room
Paul Koomar, President of Council, Presiding

November 2, 2015
7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Proposed Chapter 1158, Attached Residence District

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

FINANCE & CLAIMS COMMITTEE – Clark

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

AUDIENCE

MISCELLANEOUS

Draft Ordinance (~~9/28/15~~10/30/15)

Chapter 1158 – R-4, Attached Residential District

1158.01 INTENT.

The R-4, Attached Residential District and its regulations are established to achieve the following purposes:

(A) To provide alternative housing choices to accommodate current residents as they enter new life phases;

(B) To support the goals and recommendations of the City's Master Plan and the Retail Improvement Strategy relative to housing options, redevelopment and infill;

~~(B)~~(C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability;

~~(C)~~(D) To provide an appropriate transitional use between single family residential and non-residential uses;

~~(D)~~(E) To enhance the vibrancy of the City's central core business district; and

~~(E)~~(F) To offer a viable redevelopment option to ensure the City's continued sustainability.

1158.02 APPLICABILITY.

Consistent with the intent, this district may be established in locations specifically identified in the Bay Village Master Plan and Retail Improvement Strategy as development, redevelopment or infill sites for townhouse, condominium or multiple family residential. In addition, other sites may be appropriate to provide a suitable buffer or transition between disparate uses. Properties located along arterial or collector streets in close proximity to retail and service uses may also lend themselves to the uses permitted in this district.

1158.03 PERMITTED BUILDINGS AND STRUCTURES.

(A) Principal Uses: The principal uses in this district shall be limited to townhouses, as defined in Section 1121.47A and two-family dwellings, as defined in Section 1121.48.

(B) Accessory Uses: Accessory buildings, structures and uses including, but not limited to, the following are permitted on any lot in the R-4, Attached Residential District:

(1) Recreation facilities, such as swimming pools (See Section 1349.01), clubhouses, sauna baths and tennis courts, for the exclusive use of residents and their guests.

(2) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.

~~(3) Master radio and television antenna, air conditioning and ventilation equipment and necessary utility equipment, as permitted under this chapter.~~

~~(4)~~(3) Detached garages~~ or carports~~.

1158.04 DEVELOPMENT REQUIREMENTS. The requirements of this section shall be the minimum standards for development within the R-4 District. If any requirement of this section conflicts with other provisions of the City of Bay Village Zoning Code, the provisions of this section shall apply.

(A) Spatial Requirements: The following requirements, specified in Table 1158-4, shall apply to any development within the R-4 District:

DRAFT

TABLE 1158-4 Spatial Requirements				
			Townhouse	Two-family
Minimum site area (sq. ft.)			0[1]	11,000
Minimum site width (feet)			100	80
Density (units per gross acre)			~~8~~10	
Minimum yard setback (feet)	Front yard[3]		10[2]	25[2]
	Rear yard[3]		25	35
	Side	Interior	20	10
		Street	30	25
	Min. separation between ends of buildings		25	N/A
Maximum building height (feet)	Feet		35	
	Stories		2 ½	
Maximum lot coverage (percent)	Buildings		45	40
	Pavement and buildings		50	45
Maximum units per building			6	2
Minimum finished livable floor area (square feet)	1 bedroom		900	
	2 bedroom		1,200	
	3 bedroom		1,400	
	Additional bedrooms		150/added bedroom	

[1] There is no required minimum area for a townhouse development; provided, the gross density shall not exceed the equivalent of ~~8~~ 10 units per gross acre. A minimum lot size of 5,500 square feet per dwelling unit shall be required for two-family dwellings.
[2] If at least 50 percent of the lots on the same side of the street and within the same block as the subject property contain a principal building, the minimum front yard setback, measured from the front lot line, shall be the average of the setbacks established by those principal buildings within 200 feet on either side of the subject property (not including corner lots where the front setback is on the intersecting street).
[3] Front and rear yard setback requirements shall be met for each two-family or townhouse unit.

(B) Architectural Features: A projection is that part or feature of a building which extends outside of the enclosing walls and makes the enclosed space more usable. It is intended that certain features may project into required yards, but shall be regulated as provided in Table 1158-4a so they will not substantially interfere with the reception of sun, light and air on adjacent lots or impede emergency access.

Table 1158-4a Projections into Required Yard Setbacks			
Architectural Feature	**Allowed Projections into a Required Yard**		
	Front Yard	**Side Yard**	**Rear Yard**
Accessory structures, detached	See *Section 1149*		
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a minimum 3-foot side yard setback		

DRAFT

Table 1158-4a Projections into Required Yard Setbacks			
Architectural Feature	**Allowed Projections into a Required Yard**		
	Front Yard	**Side Yard**	**Rear Yard**
Air conditioning units, generators and other mechanical equipment	None	3 ft.	3 ft.
		No more than 5 ft. from the building	
Arbors, trellises and pergolas (attached to principal building)	5 ft.	3 ft.	10 ft.
Awnings and canopies			
Balconies (uncovered)	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Eaves and gutters	2 ft.	2 ft.	2 ft.
Fences and walls	See *Section 1163*		
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed [1]	4 ft.	None	Up to 15 ft. from a rear lot line
Porches, decks and stoops, uncovered and unenclosed [1]	4 ft.	3 ft.	10 ft.
Stairways (not including steps to main floor entry) and below-grade stairwells	None	3 ft.	10 ft.
Window wells and egress windows, below grade	3 ft.	3 ft.	3 ft.

Footnotes:

[1] Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks for the principal building.

(C) Open Space: For townhouse developments, those areas of the site not covered by buildings, structures or pavement shall remain as open space. At a minimum, at least 40 percent of the total project site for townhouses shall be retained as open space, in accordance with the following:

(1) Open space shall meet the following standards:

a. Provide spaces for the common use of all residents of the townhouse development or sufficient yards adjacent to each unit for the use of the residents of those units;

b. Common open space areas shall be centrally located or distributed throughout the development to provide convenient access in close proximity to all residents;

c. Preserve significant natural features on the site, including mature trees;

d. The Planning Commission may reduce the open space requirement, based on a finding that one or more of the following conditions exists:

i. The subject site abuts or is directly across the street from a public park or similar dedicated public open space area;

ii. The site is adjacent to a dedicated non-motorized trail or pathway that provides access for pedestrians and cyclists to City parks in relative proximity to the subject site; or

iii. The proposed development will provide one or more natural preserves and/or common activity areas for its residents that are of significant size and configuration to fulfill the spirit and intent of the open space requirement.

DRAFT

~~As a condition to approval, plans for the care, maintenance, use and disposition of all open space shall be approved by the City Council, upon a recommendation from the Planning Commission, providing for:~~

~~The public dedication and acceptance of all or a portion of the open space, if found by the Council to be of benefit to the general public; or~~

~~The retention of property in common ownership of the individual owners through appropriate legal means to insure continuous preservation, maintenance and use for the purpose intended.~~

~~If a portion, but not all, of the open space is accepted by the City, the remainder of the open space not accepted shall be subject to the procedures and controls cited in subparagraph (2)b.~~

~~All areas proposed for dedication to the City must be acceptable as to size, shape, location and improvement and shown by the applicant to be of benefit to and accessible by the general public. Title of all land dedicated to public use shall be unencumbered at the time of conveyance, and all areas shall be fully improved by the applicant, as required by the City Council, including all utilities, public walkways and streets through or abutting the property.~~

(D) Common Areas:

(1) For all areas proposed for common ownership in any residential development within the R-4 District, rights of development other than for the use specified in the approved final development plan shall be subject to approval of the ~~City Council~~Planning Commission. The use of common areas such as, but not limited to: open space, parking areas, private streets and alleys, recreational facilities, and common service facilities shall be restricted by appropriate legal documents, ~~approved by the City's Director of Law,~~ which provide for the management and maintenance of all common facilities. Legal instruments providing for dedications, covenants, home owners association and subdivision controls shall:

a. Place title of common property in a form of common ownership by the owners and/or residents of the area, e. g., a duly constituted and legally responsible home owners association, cooperative or similar legal entity.
b. Appropriately limit the use of common property.
c. Assign responsibility for management and maintenance of common property. ~~Council~~ the City, at its discretion may require the applicant to obtain City services, for maintenance of commonly held properties where the public health, safety and/or welfare may require.
d. Place responsibility for enforcement of covenants.
e. Permit the subjection of each dwelling unit to assessment for its proportionate share of maintenance costs.

(2) All common property shall be fully improved by the applicant prior to issuance of an occupancy permit, including all utilities, landscaping, lighting, walkways and streets through or abutting the property; provided, the chief building official may issue an occupancy permit prior to completion of landscaping if it is determined that weather conditions prevent timely completion of the landscaping and a financial guarantee is

DRAFT

posted to assure that all improvements will be completed within 120 days of receiving the occupancy permit.

(3) The use, condition and maintenance of all common properties shall comply with City ordinances and existing regulations in all respects.

(E) Streets and Access: All proposed streets and access within the R-4 District shall ensure efficient access and circulation of all vehicles and safe movement of non-motorized conveyances and pedestrians. The design and layout of streets and walkways within the development shall be established by the Planning Commission; provided, at a minimum, the following requirements shall be met:

(1) Dedicated Streets. Dedicated streets shall not extend more than 1, 200 feet without intersecting another dedicated street.

(2) Dedicated Cul-de-Sacs. Dedicated cul-de-sacs shall not exceed 600 feet in length nor provide direct or indirect access to more than 30 units.

(3) Private Streets. Private streets shall not exceed 600 feet in length without intersecting another private or dedicated street, nor provide direct or indirect access to more than 30 units.

(4) Private Cul-de-Sacs. Non-dedicated cul-de-sacs and court arrangements shall not extend more than 300 feet from a dedicated right-of-way nor provide direct or indirect access to more than 15 units.

(5) Alleys. Access to units, garages or parking areas may be from alleys; provided, the alley meets City design standards and connects on both ends to a public or private street.

(6) Access to Perimeter Streets. Townhouse units may front upon any public street abutting the boundaries of the project site; provided, all vehicular access shall be via interior public or private streets and individual driveways shall not be permitted along the perimeter street.

(7) Walkways. A walkway system shall be provided along perimeter streets abutting the R-4 District and on both sides of interior streets within any development. The walkways shall be ramped at all street intersections to provide handicapped accessibility and shall be separated from the adjacent dedicated or private street by a grass strip at least four feet wide.

(F) Parking: Off-street parking shall be provided in accordance with the following requirements:

(1) Two spaces shall be provided for each dwelling unit, plus an additional .25 spaces per townhouse unit for visitors;

(2) At least one of the required parking spaces per unit shall be within a garage attached to the unit which it serves;

(3) Parking spaces shall be a minimum dimension of 20 feet long by 9 feet wide;

(4) All parking spaces shall be hard-surfaced (asphalt or concrete) and striped; and

(5) Parking areas and detached garages or carports shall not be permitted in any front or side yard and shall be set back at least 10 feet from any adjoining side or rear lot line; provided, if a garage or carport faces and is accessed from an alley, the minimum building setback shall be 20 feet from the rear lot line.

(G) Landscaping: For all residential development in the R-4 District, except a single building containing a two-family dwelling on one (1) lot, a landscape plan, prepared by a landscape

DRAFT

architect registered in the State of Ohio, shall be submitted for Planning Commission approval in accordance with the following minimum requirements:

(1) Front yard landscaping shall contain at least one shade tree for each dwelling unit with a minimum caliper of two and one-half (2½) inches and one ornamental tree for each two units. Shrubbery and/or other low plant material at least 24 inches high at time of planting and approved by the Planning Commission shall be installed along the foundation of each unit.

(2) A perimeter buffer meeting the following minimum requirements shall be installed along the side and rear property boundaries for townhouse developments abutting property zoned First Residence or Third Residence:

a. Minimum width of 10 feet;

b. Equivalent of one (1) tree per 50 feet or fraction of buffer zone length, at least one-third (1/3) of all trees shall be evergreen trees. At the time of planting, deciduous trees shall be a minimum of two and one-half (2 ½) inch caliper and evergreens shall be at least six (6) feet tall;

c. Three (3) foot high continuous sight-obscuring screen composed of plant material, berms, walls, fences or any combination approved by the Planning Commission;

d. If berms are used for any part of the buffer, they shall contain one (1) shrub for every 10 feet of berm length in addition to the requirements of subsection (2)b. All required plant material shall be placed on the top or side slope of the berm facing the exterior property line;

e. If a wall or fence is used for any part of the buffer, a minimum of one (1) shrub for every 10 feet of wall or fence shall be placed along the exterior side in addition to the requirements of subsection (2)b. At least half of all shrubs shall be a minimum of 24 inches high at the time of planting;

f. All areas within the buffer strip not containing trees, shrubs or planting beds shall be planted with grass and other living ground cover; and

g. In order to promote better design and a more natural appearance, the required trees and other plant material need not be uniformly spaced. Clusters or groupings of plant material may be permitted; provided, the intent of the buffer strip to provide separation and screening from adjoining uses is achieved.

(3) Landscaped islands shall be provided within parking areas to reduce the visual impact of parking upon the development. At a minimum, a landscaped island at least nine (9) feet wide and 180 square feet in area shall separate each eight (8) contiguous parking spaces. Each island shall contain trees and/or other living plant material to provide visual relief and physical separation of parking spaces.

(4) Screening shall be provided around all outdoor trash dumpsters, as follows:

a. Solid sight-obscuring fence or wall six (6) feet high;

b. Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use;

c. The fence or wall shall be constructed of masonry, treated wood or other material approved by the Planning Commission if determined to be attractive, durable, weather resistant, rust proof and easily maintained. Chain link and barbed wire fences are not permitted.

(H) <u>Building Materials and Design Standards:</u> Exterior design of all principal and accessory buildings shall complement the character of the adjacent neighborhood with respect to building

DRAFT

materials, details, roof pitch, setbacks and scale. However, at a minimum, the following standards shall apply, unless a modification is permitted, as specified in Section 1158.05 H:

(1) Exterior Materials.

a. Primary: At least 80 percent of the building exterior shall consist of:

i. brick and tile masonry (or synthetic equivalent),

ii. native stone (or synthetic equivalent),

iii. hardie-plank or equivalent, and/or

iv. wood siding.

b. Accent: No more than 20 percent of any façade may consist of:

i. pre-cast masonry (for trim and cornice elements only),

ii. gypsum reinforced fiber concrete (GFRC – for trim elements only),

iii. metal (for beams, lintels, trim elements and ornamentation only), and/or

iv. split-faced block (for piers, foundation walls and chimneys only).

(2) Building Facades. Long, monotonous building planes shall be avoided. The front façade of each row of townhouse units within a single building shall be articulated using means such as, but not limited to: offsetting the front setback of individual units; using gables; recessing front entries; varying colors and materials on each unit; using a variety of window sizes and styles and/or incorporating columns, dormers, overhangs or other architectural elements. In addition, the following requirements shall be met:

a. Transparency: Windows and doors shall comprise at least 25 percent of the front façade and the street side façade for units abutting a public street.

b. Front entry: Each dwelling unit shall have a front door facing a street or public open space that is accessed from a stoop or porch.

i. a stoop shall have a minimum depth of four feet and a minimum area of 24 square feet;

ii. a front porch must be at least eight feet deep, with a width equal to at least 40 percent of the width of the dwelling unit;

c. Roofs:

i. Pitched roofs shall have at least a 4:12 but not more than a 12:12 pitch. Mechanical equipment located on the roof shall be on the back half of the building and screened on all sides so as not to be visible as observed from the sidewalk or pavement edge of the street.

ii. Flat roofs shall be enclosed by a parapet which shall be high enough to conceal mechanical equipment as observed from the sidewalk or pavement edge of the street.

1158.05 REVIEW AND APPROVAL

(A) Application: Applications for rezoning property to an R-4 District shall be submitted in compliance with Bay Village Charter 7.6. ~~to the chief building official on a form for that purpose, along with a required fee. In addition, sufficient copies, as determined by the chief building official, of a development plan and other supporting information, materials and documentation shall be submitted to explain and support the request and assure the fullest presentation of facts. Incomplete applications shall not be considered. Each application shall be verified by the owner(s) or option holder of the property, attesting to the truth and correctness of all facts and information. The application, development plan and other supporting materials shall be distributed to all relevant department heads, boards or commissions that may have jurisdiction over any aspect of the proposed development.~~

DRAFT

(B) Development Plan: The development plan shall contain, at a minimum, the information specified in Section 1129.01.

(C) Planning Commission Review: The complete application and all required documents shall be forwarded to the Planning Commission for review. The applicant shall attend the review meeting and present the proposed project to the Commission.

~~(D) Public Hearing: Following the initial review meeting, the Planning Commission shall schedule a public hearing, notice of which shall be given to owners of property adjoining the subject site and published in a newspaper of general circulation in the city, as required by Ohio law. A public hearing shall only be required if the subject property is to be rezoned. If the property is already zoned R-4 and the applicant is seeking approval of the development plan, a public hearing shall not be required.~~

~~(E) Planning Commission Decision:~~

~~(6) If the subject property is to be rezoned, the Planning Commission shall, upon conclusion of the public hearing, make a recommendation to the City Council to approve or disapprove the request and shall state the reasons and findings for its recommendation. In addition, if the Planning Commission recommendation is to approve the rezoning to R-4, it shall also transmit its decision with respect to approval, approval with conditions or disapproval of the development plan. The Planning Commission's action to approve the development plan or approve with conditions shall be contingent upon Council action to rezone the property and shall be based on the standards cited in 1158.05 (G). In the event the City Council approves the change in zoning, but differs with the Planning Commission regarding its decision relative to the development plan, the Council may, by two-thirds vote of its members, reverse or modify the Planning Commission decision.~~

~~(7) If the subject property is already zoned R-4, the Planning Commission shall review the development plan and approve, approve with conditions or disapprove the plan based on the standards cited in Section 1158.05 (G). The reasons for their action shall be stated for the record and provided, in writing, to the applicant. No public hearing or Council action shall be required.~~

~~(I) City Council Action: Upon receiving the Planning Commission recommendation regarding the rezoning, the City Council shall vote to approve or disapprove the change in zoning to the R-4, District.~~

~~(J)~~(D) Review Standards: The development plan shall be approved upon a finding that the plan meets the following standards:

(1) The development plan complies with all requirements of this chapter, all applicable requirements of this ordinance and all other applicable laws and regulations.

(2) The site is designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

(3) The site is designed in a way that minimizes impacts upon adjacent property and mitigates the potential negative effects of traffic, noise, and glare to the maximum extent reasonably possible.

(4) The development plan shall be found to be consistent with the Intent and Applicability provisions of this chapter, as stated in Sections 1158.01 and 1158.02, respectively.

(5) Unless a more specific design standard is required by the city through a different ordinance, all uses and structures subject to development plan review shall comply with the following:

DRAFT

a. Traffic Circulation. The number, location and size of access points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

b. Stormwater. Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies and paved areas by underground surface drainage system.

c. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Landscaping, buffers and greenbelts, as required by this chapter, shall adequately screen proposed buildings from surrounding property.

d. Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. Where necessary, screening shall be provided to shield abutting residential properties from headlights and glare.

e. Utility Service. All utility service shall be underground, unless impractical.

f. Exterior Uses. Outdoor storage areas, parking areas, trash receptacles, heating and cooling units and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.

g. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.

h. Water and Sewer. Water and sewer installations shall comply with all city specifications and requirements.

~~(H) Modification of Requirements: The Planning Commission may modify the requirements of this chapter with respect to building materials or by reducing parking, landscaping or open space provisions when it is demonstrated that development flexibility is needed, based on one or more of the following:~~

~~(1) The property configuration, size and/or dimensions~~

~~(2) Proximity and type of adjacent use(s)~~

~~(3) Character of surrounding development~~

~~(4) Presence site constraints~~

~~(5) Existence of natural buffers on adjoining property~~

1158.06 RESERVED

DRAFT

Other Proposed Amendments

Section 1121.06, *Apartment House*: Delete. This is an archaic term and appears to not even be used in the zoning code.

Section 1121.13, *Double House*: Delete. This is not a standard term, appears not to be used in the code and adds potential confusion to the meaning of "two-family dwelling".

Section 1121.14, *Duplex Dwelling*: Delete. This unnecessarily complicates the definition of "two-family dwelling".

Section 1121.15, *Dwelling*: Revise, as follows:

> **DWELLING UNIT**. "Dwelling unit" is a building or portion of a building designed for use and occupancy by one family and includes permanent provision for living, sleeping, cooking, eating and sanitation."

Section 1121.25a, *Multiple-family dwelling*: Insert this new definition, as follows:

> **MULTIPLE FAMILY DWELLING**. "Multiple family dwellings" is a building designed for occupancy by three or more families living independently of each other.

Section 1121.47a, *Townhouse dwelling*: Insert this new definition, as follows:

> **TOWNHOUSE DWELLING**. "Townhouse dwelling" is a dwelling designed for occupancy by one family in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any adjoining unit by one (1) or more vertical common fire-resistant walls. May also be referred to as a rowhouse or attached single family dwelling.

Section 1121.48, *Two family dwelling*: Revise, as follows:

> **TWO FAMILY DWELLING**. "Two family dwelling" is a detached building designed and used for occupancy exclusively by two (2) families living independently of one another. May also be referred to as a duplex.

DRAFT