

## **AGENDA**

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

December 7, 2015  
**7:30 p.m.**

### **ANNOUNCEMENTS**

#### **COMMITTEE OF THE WHOLE**

Consulting Engineer Robert Greytak: Update on Capital Projects

Business Retention and Attraction Protocol Renewal

#### **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske**

Chapter 1158 – Attached Residence District

Discuss extension of Moratorium on Attached Residence District development

#### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee**

Review of Codified Ordinance Chapter 377, Bicycles (1-13-14)

#### **PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych**

#### **FINANCE & CLAIMS COMMITTEE – Clark**

#### **RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson**

#### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent**

#### **AUDIENCE**

#### **MISCELLANEOUS**

#### **CAHOON MEMORIAL PARK TRUSTEES**

# City of Bay Village

Council Minutes, Committee Session  
Conference Room  
Paul Koomar, President of Council, Presiding

November 23, 2015  
7:30 p.m.

Present: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Acting Mayor Ebert

Also Present: Councilman-elect Marty Mace, Finance Director Mahoney

## **AUDIENCE**

The following audience members signed in this evening: Dick Majewski, Jeff Gallatin, Thomas Kramer, Lydia DeGeorge, Pam Cottam, Richard Fink, Suzanne Graham, Nancy Trainer, Conda Boyd, Mary Erin Schunick, John Suter, Alex and Karen Dade, Lawrence Kuh.

## **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE**

### Chapter 1158 Attached Residence District

Law Director Ebert advised that he passed out various court decisions related to Bradley Bay Nursing Home. One case went to Common Pleas Court and one to the Court of Appeals. All of the rulings of the Board of Zoning Appeals and the Planning Commission were upheld. The issue concerning expansion of the nursing home on contiguous property was permitted by Chapter 1141 (C). Contiguous property development was eliminated in 2005 by City Council, with the exception of schools and churches. Mr. Ebert stated that the construction of the nursing home expansion took as long as it did to begin because of an Ohio Environmental Protection Agency mandate regarding the retention basin, and the Ohio Department of Natural Resources ruling not to allow tree removal for the protection of a certain species of bats.

Mr. Koomar verified with Mr. Ebert that there is no development pending now that would not require a vote of the residents. Mr. Lee verified further with Mr. Ebert that there are no parcels that could be rezoned Attached Residence District without going to the voters. Mr. Ebert stated that this is correct, but churches and schools do have that option without a vote for land they own. Any additional land they purchase would have to be rezoned.

Mr. Dade commented that Bradley Bay Nursing Home applied to build after contiguous property development was eliminated. Mr. Ebert stated that the reason they were allowed to continue was that the Ohio Environmental Protection Agency discussions were underway at that time. The concern was the retention basin that was needed to prevent overflow in the area.

Mr. Henderson clarified that if Council were to pass Chapter 1158 as it stands on first reading, if anyone wanted to build the developer would have to seek rezoning and the people would have to approve at the ballot, both in the ward and city-wide, before Chapter 1158 would be used as the basis for development. Mr. Ebert agreed, stating that if it is going to be rezoned it has to go to the

ballot. Mr. Clark noted that this follows the same required voter approval protocol as the former Shell Gasoline Station property in 2005.

Mr. Henderson stated that in 2010 the voters approved Retail Business Districts to be a minimum development site of one acre and a density of eight units per acre. How does this relate to Chapter 1158 as proposed for no minimum acres and density up to ten units per acre? Would there be a conflict? Mr. Ebert stated that he would have to review, but the new ordinance would control. If Chapter 1158 would pass you would be allowed to change the density and minimum acreage. The rezoning was approved by the voters: the acreage and density is Councilmanic action. Mr. Lee asked if Clague Parkway as Retail Business District is included in that vote for rezoning. Mr. Ebert will review.

Mr. Tadych stated that behind Bay Presbyterian Church there is a roadway that has been turned into being used as part of the parking lot for the church. If the church were to decide to put housing on that area, would it be permitted without a vote of the people? Mr. Ebert will review.

Mr. Tadych commented that the infrastructure issue, specifically the stress on the sewers, when adding attached housing, did not come during the Planning and Zoning Committee meeting earlier this evening. Mrs. Lieske stated that the committee was focusing on applicability.

Mrs. Lieske questioned the timing of the ordinance with the survey results still pending. Mr. Koomar stated that the survey will be one of many tools to be used in this work. All three proposals for rezoning for attached residences have passed city-wide. People are saying that the five acre requirement is not applicable any longer. While Bay will remain a single-home town, there are opportunities to add options. Mrs. Lieske stated that people are comfortable with the retail business and commercial areas we are discussing, but the concerns expressed are related to residential neighborhoods. Minimum acreage would provide a safety valve.

Mr. Koomar stated that the voters deserve that Council vote on this ordinance and move forward. We can't spot zone this. Mr. Vincent stated that Paul LeBlanc spoke to Council on only one occasion. It might be helpful if he would return, or be available through a conference call, to answer the questions that have surfaced after additional review.

Mr. Henderson agreed with Ms. Boyd that the online version of Code 1121.47 does not define townhouses. Mr. Lee stated that the definitions should be included.

Mr. Tadych stated there are twelve Permanent Parcel Numbers on the west side of Clague Parkway owned by the State of Ohio. A thirteenth parcel is owned by CEI. If that area on the east side of Clague Road would be permitted to have attached residences, could the property on the other side be purchased from the state? Mr. Ebert said there have been discussions about that with the developer proposing a nursing facility there.

Mr. Clark suggested bringing in a developer to see if he would have any interest in developing attached residences. The Planning and Zoning Committee will seek a Bay developer who may be interested in providing input to Council.

Ms. Boyd stated that townhouses have not been defined before. If that is a new use, is it a new, permitted use? Mr. Cheatham stated that townhouses are defined in the state code, which follows the national code. Mr. Lee read the state definition of townhouse. Ms. Boyd stated that according to the Charter of the City, if you change the use it has to go to the voters. Mr. Evert stated it is not a changed use; it falls in with Attached Residence District with the idea it is more than one unit attached to one another. Mr. Vincent asked Mr. Ebert to review this question further.

In referencing the Master Plan in the ordinance, the specific area recommendations will be listed. Mr. Tadych suggested mentioning that some of the Master Plan recommendations are no longer suitable for reference.

Mr. Koomar stated that it really goes back to finding a transaction out there and having the area rezoned. Mr. Henderson asked the point then, of having Section 2. Applicability. Mr. Koomar stated that he doesn't want people to think it is limited to those areas. While we are encouraging those areas, even within some of those areas you are going to find landowners that may be willing and others that would never sell.

Mr. Vincent asked if the developer seeks rezoning first prior to presenting their development plan. Mr. Ebert stated that the developer has a better chance of getting something passed by the voters if they show a conceptual plan. Mr. Vincent asked if there be a legislative lever we can take to require them to show their plan first. Mr. Koomar noted the steps the developer took prior to getting rezoning for the Cahoon Ledges property, which turned out to be very favorable due to the effort he put into the education of the voters.

Ms. Boyd stated that the Retail Improvement Strategy is an important document and encouraged that it be placed on the City's website. Mr. Ebert will follow-up.

Mr. Koomar stated that he would like to have the most current version of the Applicability Section of the ordinance available for the Planning Commission to review.

Mr. Cheatham will coordinate the effort in finding a builder to address the Council regarding the drafting of the ordinance that will be feasible from a builder's standpoint. Mr. Cheatham will reach out to three or four builders from this vicinity to see if one will address Council.

Mr. Clark stated that before the committee composition changes, it would be nice to have a vote on this matter before the end of the year. He noted that Mr. Lee will be leaving the committee.

Mr. Koomar will get back to Council as soon as it is determined when Mr. LeBlanc can address the Council. He asked the Council to compile their questions so they can be sent to Mr. LeBlanc in advance of a meeting. Mr. Vincent stated that if there are any folks here that want to make suggestions that would be helpful also. Mrs. Lieske commented that the minutes of tonight's Planning, Zoning, Public Buildings and Grounds Committee meeting will have a number of questions and concerns that can be sent to Mr. LeBlanc.

## **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE**

Review of Chapter 377, Bicycles

Mr. Lee stated that the bicycle ordinance was essentially rewritten in 2014. There was one issue that Mr. Tadych raised regarding the minimum age language that had been in the ordinance since the 1970's. It was not something that was changed when the ordinance was rewritten in 2014. There was discussion at that time about whether a minimum age requirement made sense, and if so should it vary from street to street. We have one age for the city as a whole, or as Mr. Tadych suggested, to have a higher age minimum for some of our busier streets.

Mr. Tadych read the language he proposes as follows:

“At no time shall a bicyclist under the age of seven operate a bicycle on a street unless accompanied by a parent or guardian. Riding with responsible supervisors on a roadway that either enters or exits the City, or on Wolf Road within the City, a bicyclist must be at least 12 years of age.” Mr. Lee stated that would suggest that an eight year old or seven year old could ride on Osborn Road. In looking at this in 2014, we noted that Rocky River and Westlake do not have any age requirements.

Nancy Brown commented that in Westlake you are not allowed to ride your bike across the street; you must dismount. We don't have that in Bay Village? Mr. Lee stated that one of the things we changed in 2014 was the language for crossing the intersection.

Chief Spaetzel stated that this matter came to his attention recently. When we revised the bicycle ordinance we suggested removing the age limitation and relying on parental responsibility and control as to what age a bicyclist should ride on the streets. The Chief stated this is not seen as a problem. Different ages for different streets would be problematic from a standpoint of enforcement. If the department sees anybody violating any law, they are stopped. Nothing as far as an age or roadway is going to change that. The department still has the ability, if they see a seven year old riding on the road not obeying the law they will be stopped and both the cyclist and parents advised. If it changed according to age and roadways, it becomes more problematic.

Mr. Koomar stated he would suggest removing the age.

Mr. Tadych stated that his problem is that a child who knows he cannot ride on a street might try. Mr. Kuh stated that it is unrealistic to legislate how a child might ride his bike in that manner. Mr. Ebert noted that you cannot legislate common sense. Mr. Kuh noted the educational efforts put forth through the Bike to School Challenge for both parents and students.

Mr. Lee, Mr. Vincent, Mr. Koomar, Mr. Clark, Mr. Henderson, Mrs. Lieske and Mr. Tadych would support removing the age entirely and relying on parental responsibility and control. Mr. Vincent asked if the City ordinance would be more strict or less strict than the state with the age limitation. Mr. Ebert stated it would be more strict. Mr. Vincent questioned whether a law that we cannot enforce exposes the City to liability.

Thomas Kramer stated he has been riding his bike across Bay since he was six or seven years old. He did not know there was an age restriction, and most kids would not know that either. He stated that no one wants to get hit by a bus, and he has always used common sense.

Mr. Kuh complimented the Police Department, stating that when we changed these ordinances to the new ordinances he has been told that the Police have been enforcing the ordinance, i.e., lights on bicycles at night. He is happy to learn that Council will remove the age reference because it is not an enforceable clause that would be of benefit.

## **PUBLIC IMPROVEMENTS, STREETS AND SANITARY SEWERS**

### Bruce/Russell/Douglas/Lake Road Sewer Improvement Project Update

Mr. Tadych stated that he was hoping that Public Safety/Service Director Thomas would be present this evening. Mr. Koomar asked that a memorandum sent by Mr. Thomas be included in the correspondence section of tonight's Special Meeting of Council, with the memorandum attached to the minutes of that meeting. The memorandum is an update from the Mayor on some of the improvements that are being reviewed. Engineering is taking place. There are about 120 residents affected, and only ten are on the email list that received the memorandum. Mr. Koomar noted that this is his way of getting the information out. Mr. Vincent suggested that the Mayor's Assistant be asked to place the memorandum on the City website as well.

## **FINANCE AND CLAIMS COMMITTEE**

### 2016 Temporary Appropriation Ordinance

Mr. Clark stated that a Finance Committee meeting discussed having a temporary appropriation ordinance prepared for 2016, presenting it for three readings. Mr. Clark is supportive of preparing the ordinance for two months' time, based on the 2015 budget figures. Mrs. Mahoney stated that it only includes the operating portion of the budget, one transfer for Parks and Recreation, and no capital items. The ordinance will be placed on first reading on December 7, 2015.

## **RECREATION AND PARKS IMPROVEMENT COMMITTEE**

Mr. Henderson is following up on the completion of the last exercise station at the T. Richard Martin Walking Trail in Cahoon Memorial Park.

## **SERVICES, UTILITIES AND EQUIPMENT COMMITTEE**

### Microphone Project

Mr. Vincent has received a quotation on the maintenance contract for the microphone purchase. The first year is covered by warranty, and for years two through five, the maintenance of the equipment is \$1700 per year for software updates and quarterly site visits. A service representative will be visiting the City Hall on December 2 for the first walk-through.

## **AUDIENCE**

Lydia DeGeorge made the following comments about the feeling of the public in reference to Chapter 1158:

In reference to Mr. Koomar's comment about the survey and the Master Plan being a tool, that is true but even tools have priorities. Ms. DeGeorge stated that when she was at the presentation of Paul LeBlanc, the Mayor stated that she spoke to Mr. LeBlanc and the County and they all agreed that they didn't need the new Master Plan to go forward with Chapter 1158. The Mayor followed that up with a comment that "we can tweak it as we go along." Ms. DeGeorge stated that when comments like that are made it strikes fear in the hearts of residents that we are going to tweak things afterwards. We also impressed everyone that nothing can happen without a vote and there are some residents that mistrust that. Going to a vote should not absolve clarity in the ordinance, understanding, input and the desires of the public overall.

Mr. Koomar stated that usually with an ordinance you find ways of improving it, so when he hears those comments about tweaks he views them differently.

Pam Cottam stated that Mr. Koomar made a comment about clarifying Chapter 1158 so people would have a better idea of what it is. Mrs. Cottam received a survey and thought it interesting but one of the problems is that people were asked general questions such as "Do you think there should be senior housing?" "Do you believe we should have more economic development in certain areas?" The problem is it doesn't describe what that means, or where it is going to be. Whoever designed the survey made a very nice, very simple survey that is going to get initial reactions, but it makes a big difference whether you want economic development down the street from you or attached housing that might be multi-level. It is not that I don't want them, but not necessarily in my backyard. It was a positive survey but a real survey would ask more specific questions as to locations.

Mr. Dade noted that every rezoning issue that has failed has failed by the vote of the people that live near the area to be rezoned and did not want it. The perspective of the resident is much different when it is down the road.

Mr. Richard Fink stated that he appreciates Mr. Koomar's comment that Council can't determine what an acreage should be. But, the two fundamental problems with the table are that square footage is defined for a two family residence and the amount per dwelling for that residence which is a simple problem. With a complex problem there is no mistake in language. When you take this table with acreage, percentage and linear feet, I put it on the computer and I couldn't get back to what would work and what would not. Mr. Koomar stated this is a good point and we can address this with the meeting with Mr. LeBlanc. He noted how variables in setbacks can sway equations.

## **MISCELLANEOUS**

Mr. Henderson reported on his attendance at the City of Avon Lake's Environmental Sub-Committee meeting. Avon Lake is getting close to receiving approval from the Ohio Department of Natural Resources (ODNR) to implement the next phase of their deer population management. Bay Village passed a resolution of support for the Avon Lake administration and the intent is this winter Avon Lake will be taking deer at the Walker Road Park which is adjacent to Ward 4 in Bay Village. Mr. Henderson will discuss this at his Ward 4 Meeting to be held Wednesday, December 2, at 7 p.m. at the Bradley Road Lodge. Mr. Henderson invited attendees from the public and media to attend. Police Chief Spaetzel will be in attendance at the meeting and will talk about some of the ways are safety forces will coordinate with the Avon Lake safety forces for the deer taking program.

Mr. Henderson stated that Mayor Sutherland previously agreed to send out letters to the neighbors and all the people that live adjacent to Walker Road Park. It is his understanding that this is till her intention. Mr. Henderson's ward meeting is meant to supplement that forward communication and give the residents a chance to ask questions of Mr. Henderson as a representative of Council and Chief Spaetzel as commander of the safety forces.

Mr. Lee asked if we can confirm that the letters will go in a timely manner. Mr. Henderson stated that as of today the ODNR has not given final approval but there are 15 dates Avon Lake has requested. Some of those dates are in December, and December 2 is in advance of the earliest proposed date, but not by much. It is possible that the ODNR or the United States Department of Agriculture (USDA) may require adjustment of proposed dates before they are advertised and the Avon Lake Councilman in charge of the program requested that we not socialize the dates until they are approved.

Mr. Vincent stated that he would prefer a text or email about something like this rather than a letter that could be overlooked.

A gentleman in the audience asked about the appropriate process and timing of vendor approval. He noted that this summer he had put a permit forth for approval from the Bay Soccer Club to operate a freestanding ice cream stand during the Bay Soccer Club Tournament. He seemed it died on Mr. Ebert's desk and he was denied the opportunity, so he is present tonight looking for answers.

Mr. Ebert stated that the Soccer Club controls that and it would be part of the approval by the Cahoon Memorial Park Trustees for the events. The Soccer Club would give that authority to the vendor applying to seek that approval. The gentleman stated that he did receive that approval and was told that he had to get Mr. Ebert's approval. He took the appropriate steps and did all the necessary paperwork. Mr. Ebert stated that normally the Soccer Club would advise who the vendors would be and it must be included on the application of the Soccer Club for approval by the Cahoon Memorial Park Trustees. The name of the vendor must actually be included in the approval requested by the Soccer Club when it is presented to the Cahoon Memorial Park Trustees. At locations other than Cahoon Memorial Park, the trustee's approval is not required.

There being no further discussion, the meeting adjourned at 9:12 p.m.

Committee Meeting of Council  
November 23, 2015

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council

## CUYAHOGA COUNTY BUSINESS RETENTION & ATTRACTION PROTOCOL

### **Purpose**

The communities of Cuyahoga County wish to enter a new era of regional collaboration to promote economic development. To that end, they hope to work closely with the county to make their communities and the region more attractive to business. While these communities want to encourage businesses to locate within their boundaries, they prefer not to do so at the expense of their neighbors. Inevitably, some businesses, for their own reasons, will choose to explore re-location from one community in Cuyahoga County to another. In such instances, a balance should be struck to allow the first community the opportunity to retain the business and the second community or communities the opportunity to attract it. However, if a business has not expressed an interest in re-locating, most believe that communities should not actively pursue or “poach” that company to encourage it to move from its current location.

The purpose of this Business Attraction and Anti-Poaching Protocol is to: (1) facilitate interactions between the county and the communities to promote economic development; (2) establish a county-based “one-stop shop” for businesses considering location or expansion in Cuyahoga County; (3) express the commitment of the participating communities that they will not actively pursue the re-location of a business that has not indicated that it is considering a move from its current location in another participating community; and (4) in instances where a business is exploring a possible move, establish procedures to balance the interests of the business’ home community and other participating communities.

### **Principles and Protocols**

In the interest of promoting the economic well-being and growth of our communities, Cuyahoga County, and Northeast Ohio, we, the undersigned, agree to the following economic development actions, principles and protocols (the “Agreement”):

1. **Business Retention and Expansion Advisory Council Established:** The undersigned agree to participate in Cuyahoga County's Business Retention and Expansion Advisory Council (BREAC), a virtual organization that facilitates the distribution of leads from economic development organizations and site selectors to participating communities. BREAC is also a source for accessing County economic development resources and programs. Membership in BREAC is limited to those communities that enter into this Agreement (the "participating communities") and is the County's first step towards establishing a "one-stop shop" for businesses considering location or expansion in Cuyahoga County. In furtherance of that effort, the participating communities further agree to:
  - a. Designate one person to the County's "deal team network" as the community's point of contact for all economic development matters.
  - b. Provide the community's updates to the County's "deal team database" of city resources, which provides information about participating communities' economic development programs and incentives.
  - c. Provide the community's updates to a central "available property" database.
  - d. Assist the County and economic development organizations, such as Team NEO and the Greater Cleveland Partnership, when economic development leads are identified.
  
2. **Business Attraction and Retention Principles:** Cuyahoga County's economy will be stronger if its communities work together, rather than against each other. These communities should focus their economic development efforts on the attraction of new businesses, the retention and expansion of existing businesses, and the promotion of their communities as good places to do business. While some businesses will choose, for their own reasons, to re-locate within the county, the focus of economic development efforts should not be on encouraging companies to move from one community to another within the county.
  
3. **Active Pursuit/"Poaching" of Businesses:** In keeping with the above principle, we agree that, where a business has not indicated that it is considering a move from its current location in a participating community, we will not actively pursue that business to encourage it to re-locate. "Actively pursue" means to initiate contact with the business directly, with the intent of luring

the business, through cold calls, visits, mail solicitations, or marketing directed specifically at that business. This does not preclude a community from generally marketing itself as a good place to do business or generally advising its residents about the benefits of locating their businesses in their home communities.

4. **Protocol in the Event a Business Indicates That It Is Considering a Re-Location:** The following protocol applies to businesses with 25 or more full-time employees. In the event such a business residing in a different participating community contacts the mayor, manager, trustee, or economic development director of the undersigned community, either directly or through a representative, to discuss a possible re-location, we agree to follow the following protocol:
  - a. We will advise the business that we want to assist the business so that they are successful.
  - b. We will ask the business whether it has advised the community in which it is currently located that it is considering a re-location and, if not, whether it objects to our advising the home community of the inquiry. If the home community has not been advised and the business does not object, we will promptly notify the mayor, manager, or trustees of the home community in writing of the inquiry.
  - c. We will not publicly propose or offer incentives to the business in support of a re-location until either the business verifies that it has notified the home community of the possible re-location or we have given that notice.
  - d. We will advise the business, if asked, that Cuyahoga County may condition the awarding of county incentives and assistance on the receipt of consent from the community in which the business is currently located.
  - e. We will agree to discuss the possible relocation with the mayor, manager, or trustees of the affected home community if asked by those officials.
  - f. Without making any commitment to revenue share and noting that some signatories do not favor revenue sharing, we will agree to have a discussion about the possibility of a revenue sharing agreement with the mayor, manager, or trustees of the affected home community if asked by those officials.

5. **Protocol in the Event a Business is Considering a Consolidation:** In the event a business with operations in one or more participating communities contacts a participating community to indicate that it is considering consolidating its operations in the contacted community, that community shall treat the situation as it would a potential re-location and follow the protocol outlined above.
6. **Protocol in the Event the County Learns of a Re-Location or Consolidation from a Participating Community to a Non-Participating Community:** In the event the County learns that a business is considering relocating or consolidating operations from one or more participating communities to a non-participating community or communities, the County shall have the responsibility to execute the protocols listed above.
7. **Effect of Non-Participation:** Cuyahoga County strongly encourages communities to participate in this Agreement. The County reserves the right to consider participation in this Agreement in evaluating applications under the proposed County Economic Development Fund and other programs.
8. **Term:** The Agreement shall remain in force until rescinded under the discretion of the County Executive or under such conditions in accordance to Section 9(A) below.
9. **General Provisions**
  - A. **Termination:** This Agreement may be terminated in its entirety by the mutual written agreement of all then-current participating communities. In the event a participating community wishes to terminate its participation, it shall provide notice of its intent to terminate to the County Executive and the other participating communities. Such termination shall be effective as of the date stated in such notice.
  - B. **Amendment or Modification:** This Agreement may be amended or modified by the participating communities, provided that any such modification or amendment shall become effective only upon the written agreement by the authorized authority of each participating community.

C. **Capacity to Execute:** The undersigned hereby certifies that all actions necessary to execute this Agreement were taken, and the person executing this Agreement is authorized to do so and has the power to bind the jurisdiction to the terms and conditions contained herein.

D. **No Cause of Action Created:** No cause of action (direct, derivative, taxpayer, third-party beneficiary, or any other kind) is created or intended to be created by this Agreement.

**IN WITNESS WHEREOF**, each of the parties committing to the above principles and protocols has caused this Agreement to be executed by its duly-authorized representative as of the date indicated.

**CUYAHOGA COUNTY, OHIO**

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Armond Budish

County Executive

**DATE:** \_\_\_\_\_

**JURISDICTION:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**POSITION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE SECTION 1158**  
**REGARDING ATTACHED RESIDENCE DISTRICT, AND**  
**DECLARING AN EMERGENCY**

**SECTION 1.** That Codified Ordinance Section 1158 which presently reads as follows:

**CHAPTER 1158**  
**Attached Residence District**

- 1158.01 Intent.**
- 1158.02 Development plans.**
- 1158.03 Building and occupancy permits.**
- 1158.04 Permitted buildings, structures and uses.**
- 1158.05 Accessory buildings, structures and uses.**
- 1158.06 Definitions.**
- 1158.07 Area and height regulations.**
- 1158.08 Yard and related requirements.**
- 1158.09 Parking requirements.**
- 1158.10 Street and access requirements.**
- 1158.11 Open space requirements.**
- 1158.12 Landscape planting and design.**
- 1158.13 Other site improvements.**
- 1158.14 Maintenance and use of public and common areas.**
- 1158.15 Solid waste disposal.**
- 1158.16 Compliance with code.**

**1158.01 INTENT.**

An Attached Residence District and its regulations are established in order to achieve, among others, the following purposes:

- (A) To regulate bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district; and
- (B) To regulate density and distribution of population in accordance with a plan to avoid congestion and to maintain adequate services; and
- (C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability; and
- (D) To promote the most desirable and beneficial use of the land based on the Master Plan and directed to bring about the eventual conformity with said Master Plan as it may be amended.

(Ord. 74-51. Passed 7-1-74.)

## **1158.02 DEVELOPMENT PLANS.**

Preliminary and final development plans shall be required for all proposed development in an Attached Residence District.

### **(A) Preliminary Plans:**

#### **(1) Plan Requirements:**

(a) **Survey.** A survey of the property and topography, showing the land owned and proposed for development.

(b) **Buildings.** The locations, size, height and use of all main and accessory buildings and their general design and color.

(c) **Streets.** The proposed pattern of vehicular circulation, including estimated traffic volumes, service access and relationship to existing streets.

(d) **Utilities.** Evidence of adequacy of all required utilities and services.

(e) **Parking.** General layout and estimate of spaces provided, both open and enclosed.

(f) **Miscellaneous.** Other site improvement, including general drainage pattern.

#### **(2) Submittal of Plans:**

(a) Presentation of preliminary plans shall be made concurrently with the Building Department (to file an application for construction) and to the Planning Commission.

(b) A nonreturnable application fee in the amount of \$10 per dwelling unit shall accompany application in the Building Department.

(c) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e. Fire, Police and Service.

#### **(3) Approval of Plans:**

(a) If preliminary plans are not acceptable to the Planning Commission, based on the requirements and intent of this chapter, a revised preliminary may be submitted.

(b) If preliminary or revised preliminary plans are acceptable to the Planning Commission with slight modification, final plans, including such modifications, may be submitted.

### **(B) Final Development Plans:**

#### **(1) Plan Requirements:**

(a) **Site Plan.** All items submitted for preliminary approval, with modifications as requested.

(b) **Utilities Plan.** Detailed drawings of all required utilities, including water, sewers and underground electric and telephone systems.

(c) **Fire Protection Plan.** Water mains, hydrants and other appurtenances.

(d) **Landscape Plan.** Landscaping, buffers, drainage and grading.

(e) **Miscellaneous.** Construction schedule and disposition program and any other information specifically required by the Planning Commission.

#### **(2) Submittal of Plans:**

- (a) Presentation of final plans shall be made to the Planning Commission.
- (b) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e., Fire, Police, Service, and Building
- (c) When development given preliminary approval is to be constructed in two or more phases, final plans shall be submitted separately for each phase, prior to scheduled construction.
- (3) Approval of Plans:
- (a) If final plans are not acceptable to the Planning Commission, based upon the requirements and intent of this chapter, revised final plans may be submitted.
- (b) Only when final or revised final plans are acceptable to the Planning Commission without modification, shall final approval be given.  
(Ord. 74-51. Passed 7-1-74.)

### **1158.03 BUILDING AND OCCUPANCY PERMITS.**

(A) No building permit for the improvement of a parcel or a portion thereof or for the erection of any building shall be issued for any building or structure in an Attached Residence District unless and until a final development plan has been approved by the Planning Commission in accordance with the provisions of this Chapter. If and when any proposed final development plan has been so approved, the Building Commissioner shall then issue the necessary building and other permits upon payment of the required fees and compliance with applicable codes.

(B) An occupancy permit shall be issued by the Building Commissioner if the use qualifies under the various restrictions of the Planning and Zoning Code and the inspections required by Chapter 1304 of the Codified Ordinances have been made and the work approved.

(C) Occupancy permits will not be granted until all required improvements, including landscaping, are completed in compliance with this chapter.  
(Ord. 74-51. Passed 7-1-74.)

### **1158.04 PERMITTED BUILDINGS, STRUCTURES AND USES.**

In an Attached Residence District, the following buildings, structures and uses are permitted: Attached Residences including townhouses, four-plexs and other multiple dwellings having separate private entrances.  
(Ord. 74-51. Passed 7-1-74.)

### **1158.05 ACCESSORY BUILDINGS, STRUCTURES AND USES.**

The following accessory buildings, structures and uses are permitted on a lot in the Attached Residence District:

- (A) Automobile storage facilities including enclosed garages.
- (B) Recreation facilities, such as swimming pools, sauna baths and tennis courts, for the exclusive use of residents and their guests.
- (C) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.

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

(E) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.

(Ord. 74-51. Passed 7-1-74.)

### **1158.06 DEFINITIONS.**

The various area and height regulations of the area to be developed are defined in this section and scheduled in the following section.

(A) Land Area Per Dwelling Unit. "Land area per dwelling unit," means the minimum area required within a development area for each dwelling unit.

(B) Gross Floor Area of Dwelling Unit. The minimum gross area of all the floors of a dwelling unit, excluding the whole area of garages and one-half the area of balconies, porches.

(C) Maximum Height. "Maximum height" refers to the height to which any main building may be constructed above the designed finished grade at center of front elevation.

(D) Dwelling Unit. "Dwelling unit," means a space within a dwelling comprising a living room, a dining room, kitchen, and a sleeping room or rooms, storage closets and space and equipment for bathing and toilet facilities, all used by one family.

(Ord. 74-51. Passed 7-1-74.)

### **1158.07 AREA AND HEIGHT REGULATIONS.**

Land and buildings shall be used in an Attached Residence District and buildings shall be designed, erected, altered, moved or maintained in such District in accordance with the following:

(A) Development Area. The minimum development site in an Attached Residence District shall be 5 acres.

(B) Density. The density of development for Attached Residences shall not exceed 6 dwelling units per acre.

(C) Height of Buildings. Attached Residences shall exceed neither two and one-half (2-1/2) stories nor 30 feet in height.

(D) Attached Residences per Building. Eight dwelling units, or a lesser number may be attached one to another by common or adjoining walls and shall be regarded as constituting a single building (but not as a single dwelling unit). All measurements of residences so attached shall be made as a single building. No building shall exceed 240 feet in length.

(E) Gross Floor Areas of Dwelling Units. Schedule as follows:

| Dwelling Unit Minimum Area (Sq. Ft.) |       |
|--------------------------------------|-------|
| 2 bedroom unit                       | 1,200 |
| 3 bedroom unit                       | 1,400 |
| 4 bedroom unit                       | 1,600 |

(F) Restrictions on Units. One-bedroom units are specifically not permitted. The total units shall be divided so that approximately one-third contains two bedrooms, one-third contains three bedrooms, and the remaining one-third may consist of the builder's choice of any mix of approved number of bedrooms.

(Ord. 74-51. Passed 7-1-74.)

**1158.08 YARD AND RELATED REQUIREMENTS.**

In an Attached Residence District, the following yard and related requirements shall be observed:

(A) Frontage Requirement. Frontage at each entrance to the development shall be at least one hundred feet wide including a minimum buffer of 30 feet on each side of the paved access, except that frontage at pedestrian entrances need not exceed 50 feet in width including minimum buffers of 20 feet on each side of the walk.

(B) Building Line Setbacks. Placement and erection of all buildings shall be 50 feet from the property line adjoining a dedicated street.

(C) Minimum Yards. No building or structure, except as provided in (E) below, may be placed or erected within 40 feet of any site boundary, except that when such boundary is a present or planned dedicated street, the 50 feet setback as set forth in C.O. 1158.08(B) shall apply.

(D) Distances Between Buildings. The minimum distance between any 2 adjacent buildings shall be determined by the relationships between their respective main walls according to the requirements of Schedule 1158.08(D) where:

B = the combined Base Factor of 2 adjacent buildings = 40 feet

H = the combined Height Factor = 5 feet per 10 feet of combined building height

L = the combined Length Factor of two adjacent buildings = One foot per 10 feet of combined main wall length

**CROSS REFERENCES**

See diagram 1 (insert)

**MINIMUM DISTANCES BETWEEN BUILDINGS**

Main Walls Do Not Overlap

Within 0° - 180° Main Walls Overlap

Within 0° - 180°

**Schedule 1158.08(D) - MINIMUM DISTANCES BETWEEN BUILDINGS**

Where MAIN WALLS of Adjacent Buildings: Within Degrees

of Parallel: Minimum

Requirement

Overlap 0° - 30° B + H = L

30° - 60° B + H + ½L

60° - 120° B + H

120° - 150° B + H ½L

150° - 180° B + H + L  
 DO NOT Overlap  
 0° - 30° ½ (B + H)  
 30° - 60° ¾ (B + H)  
 60° - 120° B + H  
 120° - 150° ¾ (B + H)  
 150° - 180° ½ (B + H)

(E) Distances from Accessory Uses to Main Buildings or Boundaries. The minimum distances from any Attached Residence to parking areas, driveways, walks and recreation areas and to the development area boundaries, as set forth below, are intended as desirable criteria and are to be applied in the site planning insofar as possible:

| Minimum Distances (Feet)       |           |          |                    |    |
|--------------------------------|-----------|----------|--------------------|----|
| From Dwelling                  |           |          |                    |    |
| Accessory Use:                 | Main Wall | End Wall | From Boundary Line |    |
| Surface Garage                 | 40*       | 30*      | 20                 |    |
| Open Parking Areas             | 20        | 20       | 20                 |    |
| Private Drives                 | 30        | 10       | 20                 |    |
| Walks (Public Use)             | 15        | 10       | 20                 |    |
| Recreation Areas (Active Play) |           | 40       | 30                 | 40 |

\* or attached to building

The minimum distances set forth in the above schedule are intended to be applied to:

- (1) The main wall, meaning any exterior wall containing the principal windows of a living, dining or sleeping room or rooms.
- (2) The end wall, meaning any exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, or principal or minor windows of a kitchen or bathroom, or a blank surface.
- (3) Private drives at all locations except at the garage entrance or main entrance of the dwelling served.
- (4) Walks used by the public at all locations except at the entrance to the dwelling served.
- (5) Recreation areas, meaning areas used for active play.

(F) Private Area. Each Attached Residence shall have a private area of not less than 200 square feet at an entrance and differentiated as such by approved patios, screens, walls and plantings.

(G) Projections of Building Features:

- (1) Intent. 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 they shall be regulated as herein set forth so that they will not substantially interfere with the reception of sun, light and air on adjacent lots.
- (2) Types of Projecting Features.

The following definitions shall apply to the terms used in the section:

- a. Architectural Feature. A belt course, balcony, bay window, cornice, chimney, solid overhang, or shading device.
  - b. Entrance Feature. A platform, landing, steps, terrace or other features not extending above the level of the floor of the first floor level of a building.
  - c. Shelters, Enclosed. An enclosed entry or porch.
  - d. Shelters, Unenclosed. An entrance hood or open but roofed porch.
- (3) Projection Limitations. Building features may project into required front and side yards of a dwelling, but shall not project more than set forth in the following schedule:

| Projecting Feature   | Maximum Projection Into<br>Required Front or Side Yard (Ft.) |
|----------------------|--|
| Architectural        | 4  |
| Entrance             | 5  |
| Shelters, enclosed   | None   |
| Shelters, unenclosed | 4  |

(Ord. 74-51. Passed 7-1-74.)

**1158.09 PARKING REQUIREMENTS.**

(A) The parking of automobiles and other motor vehicles on private or public streets within an Attached Residence District is prohibited. All automobile parking lots shall be screened from adjoining streets and properties by the planting of shrubbery or the construction of a decorative fence or wall. Parking areas shall be permitted at convenient locations throughout the development except that:

- (1) No parking areas or access drives shall be constructed within 20 feet of any Attached Residence building.
- (2) No parking area shall be closer than 20 feet from the side or rear property line abutting a street.
- (3) Landscaped islands and planting areas shall be designed so that no more than eight parking spaces shall be contiguous.

(B) Off-street parking shall be provided in an Attached Residence District as follows:

- (1) Resident Parking. Two spaces per unit, at least one of which shall be an immediately attached garage having at least 280 square feet of usable floor space; and
- (2) Guest Parking. One space per unit.

(C) In view of the desire to preserve natural open space within the development, off-street parking shall not exceed minimum requirements pursuant to C.O. 1158.09(B) by more than 20%.

(Ord. 74-51. Passed 7-1-74.)

**1158.10 STREET AND ACCESS REQUIREMENTS.**

(A) All proposed streets and access within an Attached Residence District shall be in accord with an approved overall plan conducive to the safe and efficient access and circulation of automobiles and safety and service vehicles.

(B) All vehicular pavement in an Attached Residence District shall be constructed in accordance with the standards established by the City of Bay Village.

(C) Circulation and access shall be designed according to the following criteria:

(1) Dedicated Streets. No dedicated street shall extend more than 1, 200 feet without juncture with 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 no more than 30 units.

(3) Private Drives. Private drives shall be no more than 600 feet in length and provide direct or indirect access to no more than 30 units.

(4) Private Cul-de-Sacs. Nondedicated 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) Individual Driveways. No individual driveway shall be more than 50 feet in length nor provide access to more than two units.

(D) Services to the building shall be separate from pedestrian and vehicular circulation routes.

(E) A comprehensive walkway system adequately separated from vehicular circulation shall be provided.

(Ord. 74-51. Passed 7-1-74.)

#### **1158.11 OPEN SPACE REQUIREMENTS.**

(A) Open Space as used in this Chapter means that portion of the total acreage not devoted to buildings and pavement. Open Space includes the spaces between buildings, required yards and setbacks, landscaped buffers and lawn areas, tennis courts, swimming pools or other recreational improvements.

(B) No less than 60%, of the total acreage shall be devoted to open space.  
(Ord. 74-51. Passed 7-1-74.)

#### **1158.12 LANDSCAPE PLANTING AND DESIGN.**

All development within an Attached Residence District shall be landscaped according to a landscape plan accepted as part of the Final Development Plan. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances. Natural wooded areas shall be preserved whenever possible.

(Ord. 74-51. Passed 7-1-74.)

#### **1158.13 OTHER SITE IMPROVEMENTS.**

In an Attached Residence District the following other site improvements shall be required:

(A) Water Supply. An adequate source of potable water shall be brought to the Attached Residence District from the City of Cleveland Water System and must be approved by the City of Bay Village, the City of Cleveland and the State of Ohio.

(B) Sewer System. The Landowner shall at its sole expense construct a sanitary sewage system meeting all requirements of the City of Bay Village, title of which is recognized by Council by the acceptance of dedication of the street. Plans and specifications must be approved by the City of Bay Village Sanitary Engineering Department and the State Department of Water and Health.

(C) Electric and Telephone Systems. Plans and specifications must be approved by the appropriate utilities serving this area.

(D) Fire Protection. Plans and specifications must be approved by the Fire Prevention Bureau. (Ord. 74-51. Passed 7-1-74.)

#### **1158.14 MAINTENANCE AND USE OF PUBLIC AND COMMON AREAS.**

(A) As a condition to approval of a proposed development under provisions of this Chapter, plans for the care, maintenance, use and disposition of all public and common area, if any, shall be approved by the City Planning Commission providing for:

- (1) The public dedication and acceptance for maintenance by the City of property found by the Council to be of benefit to the general public, or
- (2) The retention of property in common ownership of the individual owners through appropriate legal means with appropriate legal provisions to insure continuous maintenance and use for the purpose intended.

(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 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 Planning Commission, including all utilities, public walkways and streets through or abutting the property.

(C) For all areas proposed for common ownership by the residents, all rights of development other than for the use specified in the approved Final Development Plan shall be subject to approval of the City. However, each proposal for such use, including parking areas, private access ways, private parks and recreational facilities, and common service facilities shall be accompanied by appropriate legal documents which provide for the management and maintenance of common facilities. Legal instruments providing for dedications, covenants, home associations and subdivision controls shall:

- (1) 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 association, cooperative, etc.
- (2) Appropriately limit the use of common property.
- (3) Place responsibility for management and maintenance of common property. Council, 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.
- (4) Place responsibility for enforcement of covenants.
- (5) Permit the subjection of each lot to assessment for its proportionate share of maintenance costs.

(D) All common property shall be fully improved by the applicant, as required by the Council, including all utilities, public walkways and streets through or abutting the property.

(E) The use, condition and maintenance of all common properties shall comply with City ordinances and existing regulations in all respects.  
(Ord. 74-51. Passed 7-1-74.)

**1158.15 SOLID WASTE DISPOSAL.**

Arrangements for the performance of rubbish and garbage collection and removal shall be set forth in writing and subject to City approval. Any subsequent modification of said arrangements shall be presented to the City for review.

(Ord. 74-51. Passed 7-1-74.)

**1158.16 COMPLIANCE WITH CODE.**

(A) All rules and regulations contained in the Codified Ordinances of the City of Bay Village shall be applicable except those which are specifically excepted by C.O. 1158.01 through 1158.16.

(B) Noncompliance with the provisions of this Chapter shall be subject to penalty as set forth in C.O. 1123.99.

(Ord. 74-51. Passed 7-1-74.)

**be and the same is amended to read:**

**CHAPTER 1158**

**R-4, Attached Residential District**

- 1158.01 Intent.**
- 1158.02 Qualifying Condition.**
- 1158.03 Permitted Buildings and Structures.**
- 1158.04 Development Requirements.**
- 1158.05 Review and approval.**
- 1158.06 Reserved.**

**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;
- (C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability;
- (D) To provide an appropriate transitional use between single family residential and non-residential uses;

- (E) To enhance the vibrancy of the City’s central core business district; and
- (F) To offer a viable redevelopment option to ensure the City’s continued sustainability.

**1158.02 QUALIFYING CONDITION.**

Consistent with the intent, this district shall only be established in locations specifically identified in the Bay Village 1999 Master Plan and the 2004 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) Detached garages.

**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:

| <b>TABLE 1158-4 Spatial Requirements</b> |   |                 |                 |    |
|--|---|-----------------|-----------------|----|
|  |   | Townhouse       | Two-family      |    |
| Minimum site area (sq. ft.)              |   | 0 <sup>1</sup>  | 11,000          |    |
| Minimum site width (feet)                |   | 100             | 80              |    |
| Density (units per gross acre)           |   | Maximum of 10   |                 |    |
| Minimum yard setback (feet)              | Front yard <sup>3</sup>                   | 10 <sup>2</sup> | 25 <sup>2</sup> |    |
|  | Rear yard <sup>3</sup>                    | 25              | 35              |    |
|  | Side                                      | Interior        | 20              | 10 |
|  |   | Street          | 30              | 25 |
|  | Min. separation between ends of buildings | 25              | N/A             |    |
| Maximum building height                  | Feet                                      | 35              |                 |    |
|  | Stories                                   | 2 ½             |                 |    |

|   |                        |                   |    |
|---|------------------------|-------------------|----|
| (feet)  |                        |                   |    |
| 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 |    |

<sup>1</sup> There is no required minimum area for a townhouse development; provided, the gross density shall not exceed the equivalent of 10 units per gross acre. A minimum lot size of 5,500 square feet per dwelling unit shall be required for two-family dwellings.

<sup>2</sup> 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).

<sup>3</sup> 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 <i>Section 1149</i>  |                                      |           |
| 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 |                                      |           |
| 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 <i>Section 1163</i>  |                                      |           |

**Table 1158-4a Projections into Required Yard Setbacks**

| Architectural Feature   | Allowed Projections into a Required Yard |           |                                   |
|---|--|-----------|-----------------------------------|
|   | Front Yard                               | Side Yard | Rear Yard                         |
| Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed <sup>1</sup> | 4 ft.                                    | None      | Up to 15 ft. from a rear lot line |
| Porches, decks and stoops, uncovered and unenclosed <sup>1</sup>  | 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:**

<sup>1</sup> 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.

(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 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, 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. 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 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 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) Building Materials and Design Standards: Exterior design of all principal and accessory buildings shall complement the character of the adjacent neighborhood with respect to building 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) **Pre-application Meeting:** Prior to submitting an application for rezoning to R-4 or development plan approval, the applicant shall conduct a meeting with surrounding property owners for the purpose of explaining the proposed development and soliciting comments and suggestions relative to the proposal. It is suggested that such meeting be conducted as a work session to obtain feedback that can be incorporated into the design and layout of the proposed project prior to formally submitting an application.
- (B) **Application:** Applications for rezoning property to an R-4 District shall be submitted in compliance with Bay Village Charter 7.6.
- (C) **Development Plan:** The development plan shall contain, at a minimum, the information specified in Section 1129.01.
- (D) **Planning Commission Review:** The complete application and all required documents shall be forwarded to the Planning Commission for review and approval under Chapter 1129. The applicant shall attend the review meeting and present the proposed project to the Commission.
- (E) **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:
  - 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.

**and present Section 1158 is hereby repealed.**

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

12/3/15 II

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE SECTION 1158**  
**REGARDING ATTACHED RESIDENCE DISTRICT, AND**  
**DECLARING AN EMERGENCY**

**SECTION 1.** That Codified Ordinance Section 1158 which presently reads as follows:

**CHAPTER 1158**  
**Attached Residence District**

- 1158.01 Intent.**
- 1158.02 Development plans.**
- 1158.03 Building and occupancy permits.**
- 1158.04 Permitted buildings, structures and uses.**
- 1158.05 Accessory buildings, structures and uses.**
- 1158.06 Definitions.**
- 1158.07 Area and height regulations.**
- 1158.08 Yard and related requirements.**
- 1158.09 Parking requirements.**
- 1158.10 Street and access requirements.**
- 1158.11 Open space requirements.**
- 1158.12 Landscape planting and design.**
- 1158.13 Other site improvements.**
- 1158.14 Maintenance and use of public and common areas.**
- 1158.15 Solid waste disposal.**
- 1158.16 Compliance with code.**

**1158.01 INTENT.**

An Attached Residence District and its regulations are established in order to achieve, among others, the following purposes:

- (A) To regulate bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district; and
- (B) To regulate density and distribution of population in accordance with a plan to avoid congestion and to maintain adequate services; and
- (C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability; and
- (D) To promote the most desirable and beneficial use of the land based on the Master Plan and directed to bring about the eventual conformity with said Master Plan as it may be amended.

(Ord. 74-51. Passed 7-1-74.)

## **1158.02 DEVELOPMENT PLANS.**

Preliminary and final development plans shall be required for all proposed development in an Attached Residence District.

### **(A) Preliminary Plans:**

#### **(1) Plan Requirements:**

(a) Survey. A survey of the property and topography, showing the land owned and proposed for development.

(b) Buildings. The locations, size, height and use of all main and accessory buildings and their general design and color.

(c) Streets. The proposed pattern of vehicular circulation, including estimated traffic volumes, service access and relationship to existing streets.

(d) Utilities. Evidence of adequacy of all required utilities and services.

(e) Parking. General layout and estimate of spaces provided, both open and enclosed.

(f) Miscellaneous. Other site improvement, including general drainage pattern.

#### **(2) Submittal of Plans:**

(a) Presentation of preliminary plans shall be made concurrently with the Building Department (to file an application for construction) and to the Planning Commission.

(b) A nonreturnable application fee in the amount of \$10 per dwelling unit shall accompany application in the Building Department.

(c) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e. Fire, Police and Service.

#### **(3) Approval of Plans:**

(a) If preliminary plans are not acceptable to the Planning Commission, based on the requirements and intent of this chapter, a revised preliminary may be submitted.

(b) If preliminary or revised preliminary plans are acceptable to the Planning Commission with slight modification, final plans, including such modifications, may be submitted.

### **(B) Final Development Plans:**

#### **(1) Plan Requirements:**

(a) Site Plan. All items submitted for preliminary approval, with modifications as requested.

(b) Utilities Plan. Detailed drawings of all required utilities, including water, sewers and underground electric and telephone systems.

(c) Fire Protection Plan. Water mains, hydrants and other appurtenances.

(d) Landscape Plan. Landscaping, buffers, drainage and grading.

(e) Miscellaneous. Construction schedule and disposition program and any other information specifically required by the Planning Commission.

#### **(2) Submittal of Plans:**

- Commission.
- (a) Presentation of final plans shall be made to the Planning Commission.
  - (b) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e., Fire, Police, Service, and Building
  - (c) When development given preliminary approval is to be constructed in two or more phases, final plans shall be submitted separately for each phase, prior to scheduled construction.
- (3) Approval of Plans:
- (a) If final plans are not acceptable to the Planning Commission, based upon the requirements and intent of this chapter, revised final plans may be submitted.
  - (b) Only when final or revised final plans are acceptable to the Planning Commission without modification, shall final approval be given.
- (Ord. 74-51. Passed 7-1-74.)

#### **1158.03 BUILDING AND OCCUPANCY PERMITS.**

(A) No building permit for the improvement of a parcel or a portion thereof or for the erection of any building shall be issued for any building or structure in an Attached Residence District unless and until a final development plan has been approved by the Planning Commission in accordance with the provisions of this Chapter. If and when any proposed final development plan has been so approved, the Building Commissioner shall then issue the necessary building and other permits upon payment of the required fees and compliance with applicable codes.

(B) An occupancy permit shall be issued by the Building Commissioner if the use qualifies under the various restrictions of the Planning and Zoning Code and the inspections required by Chapter 1304 of the Codified Ordinances have been made and the work approved.

(C) Occupancy permits will not be granted until all required improvements, including landscaping, are completed in compliance with this chapter.

(Ord. 74-51. Passed 7-1-74.)

#### **1158.04 PERMITTED BUILDINGS, STRUCTURES AND USES.**

In an Attached Residence District, the following buildings, structures and uses are permitted: Attached Residences including townhouses, four-plexes and other multiple dwellings having separate private entrances.

(Ord. 74-51. Passed 7-1-74.)

#### **1158.05 ACCESSORY BUILDINGS, STRUCTURES AND USES.**

The following accessory buildings, structures and uses are permitted on a lot in the Attached Residence District:

- (A) Automobile storage facilities including enclosed garages.
- (B) Recreation facilities, such as swimming pools, sauna baths and tennis courts, for the exclusive use of residents and their guests.
- (C) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.

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

(E) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.

(Ord. 74-51. Passed 7-1-74.)

#### **1158.06 DEFINITIONS.**

The various area and height regulations of the area to be developed are defined in this section and scheduled in the following section.

(A) Land Area Per Dwelling Unit. "Land area per dwelling unit," means the minimum area required within a development area for each dwelling unit.

(B) Gross Floor Area of Dwelling Unit. The minimum gross area of all the floors of a dwelling unit, excluding the whole area of garages and one-half the area of balconies, porches.

(C) Maximum Height. "Maximum height" refers to the height to which any main building may be constructed above the designed finished grade at center of front elevation.

(D) Dwelling Unit. "Dwelling unit," means a space within a dwelling comprising a living room, a dining room, kitchen, and a sleeping room or rooms, storage closets and space and equipment for bathing and toilet facilities, all used by one family.

(Ord. 74-51. Passed 7-1-74.)

#### **1158.07 AREA AND HEIGHT REGULATIONS.**

Land and buildings shall be used in an Attached Residence District and buildings shall be designed, erected, altered, moved or maintained in such District in accordance with the following:

(A) Development Area. The minimum development site in an Attached Residence District shall be 5 acres.

(B) Density. The density of development for Attached Residences shall not exceed 6 dwelling units per acre.

(C) Height of Buildings. Attached Residences shall exceed neither two and one-half (2-1/2) stories nor 30 feet in height.

(D) Attached Residences per Building. Eight dwelling units, or a lesser number may be attached one to another by common or adjoining walls and shall be regarded as constituting a single building (but not as a single dwelling unit). All measurements of residences so attached shall be made as a single building. No building shall exceed 240 feet in length.

(E) Gross Floor Areas of Dwelling Units. Schedule as follows:

Dwelling Unit Minimum Area (Sq. Ft.)

2 bedroom unit 1,200

3 bedroom unit 1,400

4 bedroom unit 1,600

(F) Restrictions on Units. One-bedroom units are specifically not permitted. The total units shall be divided so that approximately one-third contains two bedrooms, one-third contains three bedrooms, and the remaining one-third may consist of the builder's choice of any mix of approved number of bedrooms.

(Ord. 74-51. Passed 7-1-74.)

**1158.08 YARD AND RELATED REQUIREMENTS.**

In an Attached Residence District, the following yard and related requirements shall be observed:

(A) Frontage Requirement. Frontage at each entrance to the development shall be at least one hundred feet wide including a minimum buffer of 30 feet on each side of the paved access, except that frontage at pedestrian entrances need not exceed 50 feet in width including minimum buffers of 20 feet on each side of the walk.

(B) Building Line Setbacks. Placement and erection of all buildings shall be 50 feet from the property line adjoining a dedicated street.

(C) Minimum Yards. No building or structure, except as provided in (E) below, may be placed or erected within 40 feet of any site boundary, except that when such boundary is a present or planned dedicated street, the 50 feet setback as set forth in C.O. 1158.08(B) shall apply.

(D) Distances Between Buildings. The minimum distance between any 2 adjacent buildings shall be determined by the relationships between their respective main walls according to the requirements of Schedule 1158.08(D) where:

B = the combined Base Factor of 2 adjacent buildings = 40 feet

H = the combined Height Factor = 5 feet per 10 feet of combined building height

L = the combined Length Factor of two adjacent buildings = One foot per 10 feet of combined main wall length

**CROSS REFERENCES**

See diagram 1 (insert)

**MINIMUM DISTANCES BETWEEN BUILDINGS**

Main Walls Do Not Overlap

Within 0° - 180° Main Walls Overlap

Within 0° - 180°

**Schedule 1158.08(D) - MINIMUM DISTANCES BETWEEN BUILDINGS**

Where MAIN WALLS of Adjacent Buildings: Within Degrees

of Parallel: Minimum

Requirement

Overlap 0° - 30° B + H = L

30° - 60° B + H + ½L

60° - 120° B + H

120° - 150° B + H ½L

- 150° - 180° B + H + L
- DO NOT Overlap
- 0° - 30° ½ (B + H)
- 30° - 60° ¾ (B + H)
- 60° - 120° B + H
- 120° - 150° ¾ (B + H)
- 150° - 180° ½ (B + H)

(E) Distances from Accessory Uses to Main Buildings or Boundaries. The minimum distances from any Attached Residence to parking areas, driveways, walks and recreation areas and to the development area boundaries, as set forth below, are intended as desirable criteria and are to be applied in the site planning insofar as possible:

Minimum Distances (Feet)

From Dwelling

| Accessory Use:                 | Main Wall | End Wall | From Boundary Line |
|--------------------------------|-----------|----------|--------------------|
| Surface Garage                 | 40* 30*   | 20       |                    |
| Open Parking Areas             | 20        | 20       | 20                 |
| Private Drives                 | 30        | 10       | 20                 |
| Walks (Public Use)             | 15        | 10       | 20                 |
| Recreation Areas (Active Play) | 40        | 30       | 40                 |

\* or attached to building

The minimum distances set forth in the above schedule are intended to be applied to:

- (1) The main wall, meaning any exterior wall containing the principal windows of a living, dining or sleeping room or rooms.
- (2) The end wall, meaning any exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, or principal or minor windows of a kitchen or bathroom, or a blank surface.
- (3) Private drives at all locations except at the garage entrance or main entrance of the dwelling served.
- (4) Walks used by the public at all locations except at the entrance to the dwelling served.
- (5) Recreation areas, meaning areas used for active play.

(F) Private Area. Each Attached Residence shall have a private area of not less than 200 square feet at an entrance and differentiated as such by approved patios, screens, walls and plantings.

(G) Projections of Building Features:

(1) Intent. 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 they shall be regulated as herein set forth so that they will not substantially interfere with the reception of sun, light and air on adjacent lots.

(2) Types of Projecting Features.

The following definitions shall apply to the terms used in the section:

- a. Architectural Feature. A belt course, balcony, bay window, cornice, chimney, solid overhang, or shading device.
  - b. Entrance Feature. A platform, landing, steps, terrace or other features not extending above the level of the floor of the first floor level of a building.
  - c. Shelters, Enclosed. An enclosed entry or porch.
  - d. Shelters, Unenclosed. An entrance hood or open but roofed porch.
- (3) Projection Limitations. Building features may project into required front and side yards of a dwelling, but shall not project more than set forth in the following schedule:

| Projecting Feature   | Maximum Projection Into<br>Required Front or Side Yard (Ft.) |
|----------------------|--|
| Architectural        | 4  |
| Entrance             | 5  |
| Shelters, enclosed   | None   |
| Shelters, unenclosed | 4  |

(Ord. 74-51. Passed 7-1-74.)

**1158.09 PARKING REQUIREMENTS.**

(A) The parking of automobiles and other motor vehicles on private or public streets within an Attached Residence District is prohibited. All automobile parking lots shall be screened from adjoining streets and properties by the planting of shrubbery or the construction of a decorative fence or wall. Parking areas shall be permitted at convenient locations throughout the development except that:

- (1) No parking areas or access drives shall be constructed within 20 feet of any Attached Residence building.
- (2) No parking area shall be closer than 20 feet from the side or rear property line abutting a street.
- (3) Landscaped islands and planting areas shall be designed so that no more than eight parking spaces shall be contiguous.

(B) Off-street parking shall be provided in an Attached Residence District as follows:

- (1) Resident Parking. Two spaces per unit, at least one of which shall be an immediately attached garage having at least 280 square feet of usable floor space; and
- (2) Guest Parking. One space per unit.

(C) In view of the desire to preserve natural open space within the development, off-street parking shall not exceed minimum requirements pursuant to C.O. 1158.09(B) by more than 20%.

(Ord. 74-51. Passed 7-1-74.)

**1158.10 STREET AND ACCESS REQUIREMENTS.**

(A) All proposed streets and access within an Attached Residence District shall be in accord with an approved overall plan conducive to the safe and efficient access and circulation of automobiles and safety and service vehicles.

(B) All vehicular pavement in an Attached Residence District shall be constructed in accordance with the standards established by the City of Bay Village.

(C) Circulation and access shall be designed according to the following criteria:

- (1) Dedicated Streets. No dedicated street shall extend more than 1,200 feet without juncture with 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 no more than 30 units.
- (3) Private Drives. Private drives shall be no more than 600 feet in length and provide direct or indirect access to no more than 30 units.
- (4) Private Cul-de-Sacs. Nondedicated 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) Individual Driveways. No individual driveway shall be more than 50 feet in length nor provide access to more than two units.

(D) Services to the building shall be separate from pedestrian and vehicular circulation routes.

(E) A comprehensive walkway system adequately separated from vehicular circulation shall be provided.  
(Ord. 74-51. Passed 7-1-74.)

#### **1158.11 OPEN SPACE REQUIREMENTS.**

(A) Open Space as used in this Chapter means that portion of the total acreage not devoted to buildings and pavement. Open Space includes the spaces between buildings, required yards and setbacks, landscaped buffers and lawn areas, tennis courts, swimming pools or other recreational improvements.

(B) No less than 60%, of the total acreage shall be devoted to open space.  
(Ord. 74-51. Passed 7-1-74.)

#### **1158.12 LANDSCAPE PLANTING AND DESIGN.**

All development within an Attached Residence District shall be landscaped according to a landscape plan accepted as part of the Final Development Plan. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances. Natural wooded areas shall be preserved whenever possible.  
(Ord. 74-51. Passed 7-1-74.)

#### **1158.13 OTHER SITE IMPROVEMENTS.**

In an Attached Residence District the following other site improvements shall be required:

(A) Water Supply. An adequate source of potable water shall be brought to the Attached Residence District from the City of Cleveland Water System and must be approved by the City of Bay Village, the City of Cleveland and the State of Ohio.

(B) Sewer System. The Landowner shall at its sole expense construct a sanitary sewage system meeting all requirements of the City of Bay Village, title of which is recognized by Council by the acceptance of dedication of the street. Plans and specifications must be approved by the City of Bay Village Sanitary Engineering Department and the State Department of Water and Health.

(C) Electric and Telephone Systems. Plans and specifications must be approved by the appropriate utilities serving this area.

(D) Fire Protection. Plans and specifications must be approved by the Fire Prevention Bureau. (Ord. 74-51. Passed 7-1-74.)

#### **1158.14 MAINTENANCE AND USE OF PUBLIC AND COMMON AREAS.**

(A) As a condition to approval of a proposed development under provisions of this Chapter, plans for the care, maintenance, use and disposition of all public and common area, if any, shall be approved by the City Planning Commission providing for:

(1) The public dedication and acceptance for maintenance by the City of property found by the Council to be of benefit to the general public, or

(2) The retention of property in common ownership of the individual owners through appropriate legal means with appropriate legal provisions to insure continuous maintenance and use for the purpose intended.

(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 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 Planning Commission, including all utilities, public walkways and streets through or abutting the property.

(C) For all areas proposed for common ownership by the residents, all rights of development other than for the use specified in the approved Final Development Plan shall be subject to approval of the City. However, each proposal for such use, including parking areas, private access ways, private parks and recreational facilities, and common service facilities shall be accompanied by appropriate legal documents which provide for the management and maintenance of common facilities. Legal instruments providing for dedications, covenants, home associations and subdivision controls shall:

(1) 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 association, cooperative, etc.

(2) Appropriately limit the use of common property.

(3) Place responsibility for management and maintenance of common property. Council, 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.

(4) Place responsibility for enforcement of covenants.

(5) Permit the subjection of each lot to assessment for its proportionate share of maintenance costs.

(D) All common property shall be fully improved by the applicant, as required by the Council, including all utilities, public walkways and streets through or abutting the property.

(E) The use, condition and maintenance of all common properties shall comply with City ordinances and existing regulations in all respects.  
(Ord. 74-51. Passed 7-1-74.)

**1158.15 SOLID WASTE DISPOSAL.**

Arrangements for the performance of rubbish and garbage collection and removal shall be set forth in writing and subject to City approval. Any subsequent modification of said arrangements shall be presented to the City for review.  
(Ord. 74-51. Passed 7-1-74.)

**1158.16 COMPLIANCE WITH CODE.**

(A) All rules and regulations contained in the Codified Ordinances of the City of Bay Village shall be applicable except those which are specifically excepted by C.O. 1158.01 through 1158.16.

(B) Noncompliance with the provisions of this Chapter shall be subject to penalty as set forth in C.O. 1123.99.  
(Ord. 74-51. Passed 7-1-74.)

**be and the same is amended to read:**

**CHAPTER 1158  
R-4, Attached Residential District**

- 1158.01 Intent.**
- 1158.02 ~~Applicability-Qualifying Condition.~~**
- 1158.03 Permitted Buildings and Structures.**
- 1158.04 Development Requirements.**
- 1158.05 Review and approval.**
- 1158.06 Reserved.**

**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;
- (C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability;
- (D) To provide an appropriate transitional use between single family residential and non-residential uses;

- (E) To enhance the vibrancy of the City’s central core business district; and
- (F) To offer a viable redevelopment option to ensure the City’s continued sustainability.

**1158.02      APPLICABILITY-QUALIFYING CONDITION.**

Consistent with the intent, this district ~~may~~ shall only be established in locations specifically identified in the Bay Village 1999 Master Plan and the 2004 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) Detached garages.

**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:

| <b>TABLE 1158-4 Spatial Requirements</b> |   |                 |                 |    |
|--|---|-----------------|-----------------|----|
|  |   | Townhouse       | Two-family      |    |
| Minimum site area (sq. ft.)              |   | 0 <sup>1</sup>  | 11,000          |    |
| Minimum site width (feet)                |   | 100             | 80              |    |
| Density (units per gross acre)           |   | Maximum of 10   |                 |    |
| Minimum yard setback (feet)              | Front yard <sup>3</sup>                   | 10 <sup>2</sup> | 25 <sup>2</sup> |    |
|  | Rear yard <sup>3</sup>                    | 25              | 35              |    |
|  | Side                                      | Interior        | 20              | 10 |
|  |   | Street          | 30              | 25 |
|  | Min. separation between ends of buildings | 25              | N/A             |    |
| Maximum building height                  | Feet                                      | 35              |                 |    |
|  | Stories                                   | 2 ½             |                 |    |

|   |                        |                   |    |
|---|------------------------|-------------------|----|
| (feet)  |                        |                   |    |
| 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 |    |

<sup>1</sup> There is no required minimum area for a townhouse development; provided, the gross density shall not exceed the equivalent of 10 units per gross acre. A minimum lot size of 5,500 square feet per dwelling unit shall be required for two-family dwellings.

<sup>2</sup> 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).

<sup>3</sup> 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.

| <b>Table 1158-4a Projections into Required Yard Setbacks</b>      |  |                                      |                  |
|---|--|--------------------------------------|------------------|
| <b>Architectural Feature</b>                                      | <b>Allowed Projections into a Required Yard</b>  |                                      |                  |
|   | <b>Front Yard</b>  | <b>Side Yard</b>                     | <b>Rear Yard</b> |
| Accessory structures, detached                                    | See <i>Section 1149</i>  |                                      |                  |
| 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 |                                      |                  |
| 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 <i>Section 1163</i>  |                                      |                  |

**Table 1158-4a Projections into Required Yard Setbacks**

| Architectural Feature   | Allowed Projections into a Required Yard |           |                                   |
|---|--|-----------|-----------------------------------|
|   | Front Yard                               | Side Yard | Rear Yard                         |
| Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed <sup>1</sup> | 4 ft.                                    | None      | Up to 15 ft. from a rear lot line |
| Porches, decks and stoops, uncovered and unenclosed <sup>1</sup>  | 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:**

<sup>1</sup> 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.

(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 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, 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. 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 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 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) **Building Materials and Design Standards:** Exterior design of all principal and accessory buildings shall complement the character of the adjacent neighborhood with respect to building 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) Pre-application Meeting: Prior to submitting an application for rezoning to R-4 or development plan approval, the applicant shall conduct a meeting with surrounding property owners for the purpose of explaining the proposed development and soliciting comments and suggestions relative to the proposal. It is suggested that such meeting be conducted as a work session to obtain feedback that can be incorporated into the design and layout of the proposed project prior to formally submitting an application.

~~(A)~~(B) Application: Applications for rezoning property to an R-4 District shall be submitted in compliance with Bay Village Charter 7.6.

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

~~(C)~~(D) Planning Commission Review: The complete application and all required documents shall be forwarded to the Planning Commission for review and approval under Chapter 1129. The applicant shall attend the review meeting and present the proposed project to the Commission.

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

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- (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:
  - 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.

**and present Section 1158 is hereby repealed.**

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

12/3/15 II

ORDINANCE NO: 15-66  
INTRODUCED BY: Mrs. Liseske

**AN ORDINANCE**  
**EXTENDING THE MORATORIUM ON THE DEVELOPMENT UNDER CHAPTER**  
**1158 ATTACHED RESIDENCES IN THE CITY OF BAY VILLAGE,**  
**AND DECLARING AN EMERGENCY.**

**WHEREAS**, it has been determined that there is a need to request further time to study the impact of Chapter 1158 on Attached Residences in the City of Bay Village;

**WHEREAS**, this moratorium shall have no effect on the development in the Retail Business District under C.O. 1173; and

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Council hereby enacts an additional ninety (90) day moratorium on development under Chapter 1158 by City Council, Planning Commission, Board of Zoning Appeals, and any committee appointed by Council.

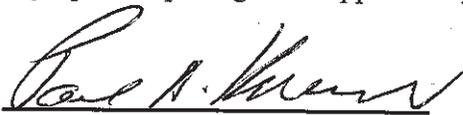
**SECTION 2.** That the Clerk of Council is hereby directed to forward a copy of this legislation to the Building Director, the Planning Commission, Board of Zoning Appeals, and any committee appointed by City Council for review of this legislation.

**SECTION 3.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

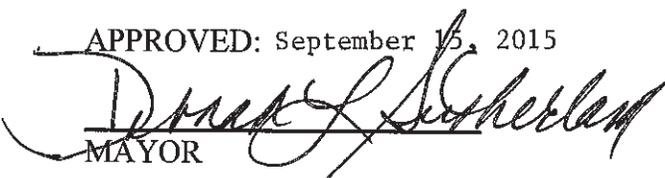
**SECTION 4.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons that it is immediately necessary to protect the planning process, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: September 14, 2015

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED: September 15, 2015

  
MAYOR