

# NOTICE OF MEETING

## PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE

Councilwoman Karen Lieske, Chair  
Councilman Marty Mace  
Councilman Paul Vincent

Monday, June 6, 2016

6:30 p.m.

Bay Village City Hall  
Conference Room

### Agenda

Proposed Moratorium – Chapter 1155.04 – Exception on Older Lots  
Review of Codified Ordinance Chapter 1351- Determination of Grade Lines  
Review of Codified Ordinance 1373.01 – Storage in Front of Building Line  
Review of Codified Ordinance 521.12 Garbage or Rubbish Deposit and Collection

## CHAPTER 1155

### Minimum Lot Area Requirements, Residence Districts

- 1155.01 First Residence District.
- 1155.02 Third Residence District.
- 1155.03 Fourth Residence District. (Repealed)
- 1155.04 Exceptions on older lots.
- 1155.05 Computing lot area.
- 1155.06 Subsequent reduction or reconsideration of area.

#### CROSS REFERENCES

Enforcement provisions - see P. & Z. 1123.03

Accessory uses - see P. & Z. 1149.02

#### 1155.01 FIRST RESIDENCE DISTRICT.

In a First Residence District no dwelling shall hereafter be constructed or enlarged upon a lot unless such lot contains in area not less than 14,700 square feet per family to be housed in such building.

(Ord. 78-143. Passed 12-18-78.)

#### 1155.02 THIRD RESIDENCE DISTRICT.

(A) In a Third Residence District no dwelling shall hereafter be constructed or enlarged upon a lot unless such lot contains in area not less than 7,500 square feet per family to be housed in such building.

(B) In a Third Residence District no buildings or structures permitted by C.O. 1145.01(B) shall hereafter be constructed upon a lot unless such lot contains in area not less than twenty-five (25) acres.

(Ord. 78-143., Passed 12-18-78.)

1155.03 FOURTH RESIDENCE DISTRICT.

(EDITOR'S NOTE: Section 1155.03 was repealed by Ordinance 78-143, passed December 18, 1978.)

1155.04 EXCEPTIONS ON OLDER LOTS.

Notwithstanding the provisions of the preceding sections, a single family dwelling may be constructed on a lot separately owned on September 5, 1922, or on a numbered lot in a subdivision recorded in the Office of the Recorder of Cuyahoga County prior to April 29, 1954.

(Ord. 54-42 Passed 4-2--54. Art. VII, §4)

1155.05 COMPUTING LOT AREA.

In computing the area of a lot for the purposes of C.O. 1155.01, 1155.02(A) and 1155.03 the depth used shall not exceed three times the mean width of such lot.

(Ord. 78-143. Passed 12-18-78.)

1155.06 SUBSEQUENT REDUCTION OR RECONSIDERATION OF AREA.

No lot area used for the purpose of meeting the requirements of this Zoning Code for any building, structure or use in Residence Districts shall be reduced or again considered as any part of the lot area required for any other building, structure or use.

(Ord. 54-42. Passed 4-29-54. Art. VII, §4)

ORDINANCE NO:  
INTRODUCED BY:

**AN ORDINANCE**  
**MORATORIUM ON EXCEPTIONS ON OLDER LOTS,**  
**UNDER CHAPTER 1155.04, AND DECLARING AN EMERGENCY.**

**WHEREAS**, it has been determined that there is a need to request further time to study the impact of Chapter 1155.04 on Exceptions on Older Lots within the City of Bay Village;

**WHEREAS**, this moratorium shall have no effect on the development of lots which meet the square footage minimum as set forth under Chapter 1155; and

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

**SECTION 1.** That Council hereby enacts a ninety (90) day moratorium under the exception under Chapter 1155.04 in order to provide a review by City Council, Planning Committee, 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 and minimum square footage lot requirements, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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

APPROVED:

\_\_\_\_\_  
MAYOR

6-1-16 ll

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AMENDING CHAPTER 1351 “DETERMINATION OF GRADE LINES”**

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

**SECTION 1.** That the Codified Ordinances of the City of Bay Village are hereby Amended by enacting revised Chapter 1351 to read as follows:

**CHAPTER 1351**  
**Determination of Grade Lines**

- 1351.01**      **Natural grade and finished grade defined.**
- 1351.02**      **Fee for determining grades.**
- 1351.03**      **Grade lines.**
- 1351.04**      **Director of Public Service and Properties to establish grades.**
- 1351.05**      **Grade line permits.**
- 1351.06**      **Drainage of surface water.**
- 1351.07**      **Positive drainage to be provided; nuisances abated.**
- 1351.08**      **Drainage protection to adjoining lots.**
- 1351.99**      **Penalty.**

**1351.01 NATURAL GRADE AND FINISHED GRADE DEFINED.**

For the purposes of this chapter the following terms, phrases, words and their derivatives shall have the meaning given in this section:

- (a) “Natural grade” is the elevation of the undisturbed natural surface of the ground.
- (b) “Finished grade” is the elevation of the finished surface, in its slope in reference to a horizontal plane of the ground adjoining any structure.

(Ord. 01-24. Passed 3-5-01.)

**1351.02 FEE FOR DETERMINING GRADES.**

No person shall be issued a building permit for any new structure whatsoever until a fifty-five dollar (\$55.00) fee is paid to the Building Director to cover costs in determining, reviewing or ~~and~~ fixing grades.

~~(Ord. 01-24. Passed 3-5-01.)~~

**1351.03 GRADE LINES.**

No building permit shall be issued until grade lines have been determined or reviewed by the Director of Public Service and Properties and established and indicated on the plans submitted; provided, however, no grade line permit shall be necessary nor shall a fee be charged therefor when the work called for in the application for a building permit either (i) consists entirely of interior work to an existing structure; or (ii) consists of exterior work to an existing structure or the construction of a building accessory to an existing main use when, in the opinion of the Director of Public Service and Properties, such work does not require the setting of a grade line different from the grade line already established.

~~(Ord. 01-24. Passed 3-5-01.)~~

**1351.04 DIRECTOR OF PUBLIC SERVICE AND PROPERTIES TO ESTABLISH GRADES.**

(a) The Director of Public Service and Properties shall be charged with the duty and final determination of natural grade lines and shall review or establish grade lines for all streets, sidewalks, boulevard, sanitary and storm sewers and structures of every kind and description.

~~(b) The Director of Public Service and Properties shall be responsible for performing an inspection of the finished foundation to determine compliance with ground grade prior to framing. (Ord. 01-24. Passed 3-5-01.) Prior to requesting a footer inspection and Certificate of Occupancy, the builder or owner shall request verification of the bottom of footer elevation and finished ground grade, to be certified by the City's engineer that the grade complies with the submitted plot plan.~~

~~(c) All grade sheet/plot plans shall be based on the natural grade found on the existing lot and shall remain consistent with the grade on adjoining lots. Finished grade at the foundation of new structures shall not be set in excess of 6" higher than the highest elevation existing at the lot lines on adjoining lots. If existing grades of adjoining lots are at different elevations, grade for subject lot will be set at the average height of the adjoining lots. Any changes to approved grade plan must be submitted for review prior to commencing construction. Exceptions will be made in extreme situations if surface run-off can be maintained on this lot and conveyed to the storm sewer or natural watercourse, without creating a nuisance per 1351.08.~~

~~The required plot plans shall show natural grade elevations along property lines at 25' intervals, location of all structures and corresponding elevations of its foundation components, yard drain locations, swales and drainage direction lines. In the case of minor subdivisions, drainage plans, for all lots, must be submitted and reviewed prior to issuance of a building permit for any of the lots.~~

~~Final finished grade shall comply with 1351.06, 1351.07 and 1351.08.~~

**1351.05 GRADE LINE PERMITS.**

(a) Permit Required. A grade line permit must be obtained from the Building Director by any person before said person or another, (i) begins construction of a new sidewalk, curb, curb-cut, driveway or driveway apron, or (ii) before any existing sidewalk, curb-cut, driveway or driveway apron is altered or repaired, where, as a result of such alteration or repair, the grade line as set by the City, or the existing grade line where no grade line has been set, will be changed.

(b) Application. An applicant for a permit hereunder shall file with the Building Director an application showing:

- (1) Name and address of the owner;
- (2) Name and address of the party doing the work;
- (3) Location of the work area;
- (4) Attached plans showing details of the proposed alteration;

(5) Such other information as the Building Director shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(c) Issuance. Such permit shall be issued upon the filing of the application required in subsection (b) above and the payment of a fee of fifty-five dollars (\$55.00), and the determination of the Director of Public Service and Properties as to the proper grade line. (Ord. 01-24. Passed 3-5-01.)

#### **1351.06 DRAINAGE OF SURFACE WATER.**

(a) Whenever the surface of a lot or plot, or portion thereof, is excavated, filled, graded or hard-surfaced with impervious material, positive drainage shall be provided so that a nuisance will not be created.

(b) Catch basins properly connected to storm sewer or other approved provisions, such as underdrains, shall be made where water may pocket, to preclude the accumulation of surface water.

(c) Existing natural ground drainage of the ground area surrounding the lot or plot excavated, filled or graded shall not be impeded.

(d) Surface water shall not be drained onto adjacent properties. ~~not in the same ownership without written permission from the owner of the adjacent property.~~

(e) When a lot or section of ground is graded, it shall be incumbent upon the owner of such lot to provide that the lot is graded to the natural grade of the lots adjoining such lot, on both sides, and to the lot in the rear of such lot and, in such a manner, that surface water does not drain onto the aforesaid adjoining lots or lands.

~~(Ord. 01-24. Passed 3-5-01.)~~

#### **1351.07 POSITIVE DRAINAGE TO BE PROVIDED; NUISANCES ABATED.**

No condition shall be created nor any existing condition maintained whereby there will be upon any lot or plot excavations, depressions, pits, holes, gullies or similar depressions which may accumulate and retain surface water and which may become a public hazard or nuisance. Any such condition shall be properly abated and protected by filling or by providing positive drainage.

(Ord. 01-24. Passed 3-5-01.)

#### **1351.08 DRAINAGE PROTECTION TO ADJOINING LOTS.**

When it is found necessary to grade a lot higher or lower finished grade than the natural grade of adjoining property on the sides and to the rear of such lot, it shall be incumbent upon the owner of the lot to get permission from the Director of Public Service and Properties to change to a higher or lower finished grade. It shall be further incumbent upon the owner of the lot to provide suitable retaining walls or other approved protection on his property to protect the adjacent property from the drainage of surface and sub-surface waters and further to protect the adjacent property from caving of earth and to assist in the maintaining of the existing natural grade of such adjacent property.

(Ord. 01-24. Passed 3-5-01.)

**1351.99 PENALTY.**

(a) Whoever violates any provisions of this chapter or fails to conform to the grade line set or reviewed by the Director of Public Service and Properties shall be deemed guilty of a ~~minor~~ fourth degree misdemeanor.

(b) Each day such violation is committed or permitted to continue shall constitute a separate offense. (~~Ord. 01-24. Passed 3-5-01.~~)

**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 will be in full force and take effect at the earliest time permitted by law.

PASSED:

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PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
MAYOR

**1373.01 STORAGE IN FRONT OF BUILDING LINE; EXCEPTIONS.**

No person shall store, keep or maintain in any residential district in the City any of the following objects: self-propelled camper, house trailer, boat trailer, boat, camper trailer, or any other object mounted on wheels and designed to be towed or trailed, unless the same is stored, kept or maintained within a garage or other enclosed accessory structure permitted by Zoning Ordinance of the City, or unless such object is stored, kept, or maintained in the rear yard area, provided that the object may be stored in the front yard area if the house setback is at least one hundred feet from the street the house faces. In no event shall any such object be stored, kept or maintained less than twelve feet from any property line or less than thirty feet from any abutting street, and any such object so stored, kept or maintained shall be titled to the owner or resident of such property. The temporary storage of such objects for the purpose of loading or unloading for periods not to exceed seventy-two hours within a twenty-one day period shall not be deemed unlawful under the provisions of this section.

(Ord. 05-137. Passed 12-12-05.)

**Revisions suggested.**

**1373.01 STORAGE IN FRONT OF BUILDING LINE; EXCEPTIONS.**

No person shall store, keep or maintain in any residential district in the City ~~more than one of~~ any of the following objects: self-propelled camper, house trailer, boat trailer, boat, camper trailer, or any other object mounted on wheels and designed to be towed or trailed, unless the same is stored, kept or maintained within a garage or other enclosed accessory structure permitted by Zoning Ordinance of the City, or unless such object is stored, kept, or maintained in the rear yard area, provided that the object may be stored in the front yard area if the house setback is at least one hundred feet from the street the house faces. In no event shall any such object be stored, kept or maintained less than twelve feet from any property line or less than thirty feet from any abutting street, and any such object so stored, kept or maintained shall be titled to the owner or resident of such property and carry ~~current registration for use on public highways or waterways.~~ The temporary storage of such objects for the purpose of loading or unloading for periods not to exceed seventy-two hours within a twenty-one day period shall not be deemed unlawful under the provisions of this section.

**521.12 GARBAGE OR RUBBISH DEPOSIT AND COLLECTION.**

(a) No person shall dump garbage, rubbish or combustible waste material on any public or private lot or property except subject to regulations prescribed by the Director of Public Service and Properties.

(b) Each resident, prior to 7:00 a.m. on scheduled collection day, shall carry all garbage and refuse to the curb for collection. No collection material shall be so placed earlier than 5:00 p.m. the evening before the scheduled collection day. ~~Cans must be removed from the curb by 8:00 p.m. the day of collection. OR within 24 hours from collection.~~ This section does not include placing of tree branches on the tree lawn for pickup.

(c) No person, except as may from time to time be authorized by resolution of Council, shall remove, appropriate or otherwise pick any rubbish, debris or other material deposited within the limits of the dedicated street by the residents of the City for collection by the City.

(d) Whoever violates this section is guilty of a minor misdemeanor. Each day's continued violation shall constitute a separate offense.

(Ord. 85-84. Passed 7-15-85.)