NOTICE OF MEETING

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE

Councilwoman Karen Lieske, Chair
Councilman Marty Mace
Councilman Paul Vincent

Monday, May 8, 2017
6:30 p.m.
Bay Village City Hall
Conference Room

Agenda
Chapter 1351
Accessory Structures
Front-end parking in front of businesses on Dover Center Rd.
Square footage limits based on lot size
Architectural Board of Review for residential structures
Discussion of requiring, by ordinance, removal of 80 to 90% of excavated soil from basements from construction sites.
AN ORDINANCE
AMENDING SECTION 1351 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING DETERMINATION OF GRADE LINES, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 1351 which presently reads 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. 16-49. Passed 6-27-16.)

1351.02 FEE FOR DETERMINING GRADES.
No person shall be issued a building permit for any structure whatsoever until a fifty-five dollar ($55.00) fee is paid to the Building Director to cover costs in determining, reviewing or fixing grades.
(Ord. 16-49. Passed 6-27-16.)

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. 16-49. Passed 6-27-16.)

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) 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 Section 1351.08.

(d) 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.

(e) Final finished grade shall comply with Sections 1351.06, 1351.07 and 1351.08.
(Ord. 16-49. Passed 6-27-16.)

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. 16-49. Passed 6-27-16.)

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.
   (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. 16-49. Passed 6-27-16.)

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. 16-49. Passed 6-27-16.)

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. 16-49. Passed 6-27-16.)

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 fourth degree misdemeanor.
   (b) Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 16-49. Passed 6-27-16.)
be and the same is hereby amended to read:
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(b) Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 16-49. Passed 6-27-16.)

and present Chapter 1351 is 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:

__________________________
CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR

4-12-17 LL

__________________________
PRESIDENT OF COUNCIL
Subject: Message from KM-C6643
To: Gay Eber
Sent: Tuesday, February 14, 2017, 4:48 PM
From: seggew@gmail.com [mailto:seggew@gmail.com] llvm

Please find attached amendments to the above sections as it relates to accessory structures for your committee to review. As I indicated last night, I probably will not be able to attend since I will be coming back from out of town that evening and not scheduled to hand until 6:00 pm.

Subject: 1141.04.1740.01.1399.01
Sent: Tuesday, February 14, 2017, 4:50 PM

Cheap

Have a great day.

Thank you.

Will you please place a copy of this attachment in my packet? I am having printer issues this morning.

Hi John.

SKM-CE54E1721A6-80.ppt

FRM 1141.04.1740.01.1399.01

Joan Kemper

Subject: Message from KM-C6643
To: Gay Eber
Sent: Tuesday, April 25, 2017, 6:00 AM
From: seggew@gmail.com [mailto:seggew@gmail.com] llvm

Karen Leake

Attachments:
Zoning

First Residence District

1141.04 Accessory Buildings, Structures and uses.

(J) Any building structure or use customarily accessory or incidental to a permitted use, including basketball courts, ice skating rinks, playground equipment, all including illumination, on special permit.

Accessory use or structure, Residence Districts.

1149.01 Location.

An accessory building, structure or use, including playground/recreational uses and structures, except in Business Districts, shall be located on a lot at least ten feet behind the outer rear wall of the main building or structure located upon such lot and at least three feet from any lot line. On a corner lot the rear line of which coincides with the side line of a lot in a Residence District, such accessory building, structure or use shall be located at least twenty-five feet from the side line of such lot which coincides with a street line at least ten feet from such rear line. In a Residence District the location of an accessory building, structure or use on a lot used for main buildings, structures or uses permitted by Section 1145.01 (B) shall conform with the restrictions applicable to main buildings, structures or uses in such district.

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BUILDING

Air Conditioning Equipment

1359.01 Installation Requirements.

All permanent air conditioning equipment, condensers, heat pumps, and heat exchangers, and other similar equipment, other than those designed for window installation, installed in or in connection with a residential structure, shall be installed entirely within the building structure, or if of a nature and design requiring installation outside the structure, then shall be located so that:

(a) No part thereof is closer than ten feet to the nearest lot line of the property in which it is installed;
<table>
<thead>
<tr>
<th>City</th>
<th>Concerned About Drains</th>
<th>Watched</th>
<th>ROCKY RIVER</th>
<th>FARRIWEY PARK</th>
<th>BEREA</th>
<th>AVON LAKE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

A complaint regarding one or more requirements attached.

Must conform to the city's zoning codes - did have.

The city will only check if the rink is more than 2 ft deep.

**Temporary Residential Ice Skating Rinks**
Swimming Pools, Spas and Hot Tubs.

(1) Any constructed or manufactured pool, both permanent and temporary, not located within an enclosed building and which is used or intended to be used as a swimming pool in connection with residential dwellings and is available only to the residents and their private guests shall be classified as a private swimming pool and shall be regulated by this subsection. For the purposes of this subsection, swimming pool shall include pools, spas and hot tubs and shall be defined as any in-ground, on-ground, or above-ground pool intended for swimming, wading or recreational bathing capable of containing in excess of two feet of water at its deepest point as determined by manufacturer's specifications.

(2) A swimming pool not exceeding 54 inches in height shall only be located in a rear yard in accordance with the setback requirements set forth in Schedule 1240.06(a).

(3) Usual and customary pool equipment and accessories (such as a pool deck a diving board or a filtration house), not exceeding five feet in height, shall only be located in the rear yard, but shall be no closer than three feet to any property line.

(4) All swimming pool construction and operation shall be in accordance with standards and regulations established by the Board of Health having jurisdiction within the City, the Building Code and any other governmental regulations governing the construction and operation of such facilities.

(5) Any outdoor swimming pool, as defined in this subsection, shall be surrounded by a barrier which shall comply with the following:

A. Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy construction at least 48 inches in height, measured from the ground level at each point along the boundary of such enclosure. The enclosure shall be of such design as to prevent young children from crawling or otherwise passing through, under or over such enclosure without the use of a ladder or other implement. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

B. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

C. Access gates into such enclosure shall be self-closing and have a self-latching device. The fence/barrier shall be equipped with at least one such access gate.

D. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access.

E. The required barrier must be installed prior to filling the pool with water.

F. A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

(6) A building permit shall be obtained from the Building Department before construction of a swimming pool is begun and shall contain plans and specifications for both the pool and the fence or other protective barrier which the owner proposes to erect around the pool as well as a plot plan showing the location of the pool and barrier with reference to lot lines and other buildings on the property.

(7) Lighting shall be shaded so as not to be a disturbance to adjacent properties.

(8) Any sound of motor or pumps in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants shall be shielded to prevent such disturbances.
FAIRVIEW PARK, Ohio --

A backyard ice rink in a local neighborhood is stirring up controversy.

Daniel Orlman is passionate about ice skating and hockey. He coaches a pee-wee hockey team, and three years ago, he built a 36-by-46 foot temporary ice rink in the backyard of his home on Westwood Road in Fairview Park.
"I use it for stick handling drills, skating drills for myself...friends come over, neighbors will sometimes come over and look at it. It's usually, generally well-accepted," said Orleman.

But the rink is not accepted by everyone. After receiving a complaint, and holding a hearing, Fairview Park's Board of Zoning and Building Appeals informed Daniel that his homemade ice rink violates city code. The ordinance states the rear 28 feet of a homeowner's property needs to be unobstructed from the ground up.

"I should be allowed to use my backyard for my recreational purposes. I'm not throwing wild parties in my backyard, I'm not out 'til all hours of the night," Orleman said.

Kathi Super, who is a nurse, lives right behind Orleman, but in Rocky River. She says not only is the ice rink unsightly, but she feels it's potentially dangerous.

"I have actually covered plenty of hockey players who have hit boards like that and became quadriplegics, so not only the safety of the rink, but the safety of people in my yard, in case a puck would fly," Super said.

She also says in the past, water has flooded her yard when the rink is drained in the spring.

"If I would ever go to sell my home, I believe it decreases my property value; people coming to view my home during the time he has that up," said Super.

"It goes up in mid-December, comes down in mid-March," explained Orleman.

Orleman says he takes precautions to make sure hockey pucks don't fly out of his yard and says as a hockey coach and physical ed teacher, he stresses safety on the ice.

"As long as he's within the city guidelines, I'm fine with it...totally fine," said Super.

"I've been throwing around the option of possibly moving the ice rink from here, shrinking it down, unfortunately, and running it next to the garage and the fence. But I'm also toying around with the idea of taking this issue to court and filing suit against the city," Orleman said.

Fox 8 tried to contact someone from the city of Fairview Park, but we were unsuccessful. The letter the city sent Orleman states that he must contact the city's building department to establish a time frame for when he will comply with the ordinance.
Tina Angle

From: Donald P. Grayem <dpgrayem@cityofwestlake.org>
Sent: Thursday, April 06, 2017 2:26 PM
To: Tina Angle
Subject: RE: Residential Temporary Ice Skating Rinks

We do not. We get a couple of inquiries annually and we just try to get them in a location that works best for everyone concerned, although we do have one that is located on a corner lot near the sidewalk, but due to the topography of the lot that was the only suitable location. We’ve received no complaints on any of them.

Donald P. Grayem
Director of Inspections / Chief Building Official
City of Westlake Building Department
(440) 617-4115
dpgrayem@cityofwestlake.org

From: Tina Angle [mailto:tangle@safebuilt.com]
Sent: Thursday, April 06, 2017 2:21 PM
To: Donald P. Grayem
Subject: Residential Temporary Ice Skating Rinks

Good Afternoon Sir,

Does the City Of Westlake have any ordinances or restrictions regarding Residential Temporary Ice Skating Rinks? Do you require permits, lighting requirements, location, distance from the property line?

Any assistance you can provide would be very much appreciated.

Thank you,

Tina Angle
Permit Technician
SAFEbuilt, LLC
440-899-3400
tangle@safebuilt.com
www.safebuilt.com
Dear Joan,

Please include a copy of this e-mail as well.

Thank you. Have a great day.

Karen

---- Forwarded Message ----
From: Mark Spaetzel <mspaetzel@cityofbayvillage.com>
To: Karen Lieske <klieske@cityofbayvillage.com>
Cc: Paul Koomar <pkoomar@cityofbayvillage.com>; Calvin E. Holliday <cholliday@cityofbayvillage.com>
Sent: Thursday, March 30, 2017 1:04 PM
Subject: front in parking on Knickerbocker

Councilwoman Lieske,

At your request, we reviewed the following:

Mrs. Lieske advised that head-in parking was eliminated in front of the Panorama Restaurant on Dover Center Road, across from Malley’s Ice Cream and Candy Store. The only main thoroughfare where head-in, or angle parking, is done is in front of Malley’s Ice Cream and Candy Store, and the neighboring establishment. There is parking in the rear of the establishments, making the need for angle parking in front of those establishments obsolete. The concern is for safety with people pulling and out of the angle parking spots and the heavy traffic on Dover Center Road. There is also head-in parking on Knickerbocker in front of the apartments and the stores across from the Knickerbocker Apartments. Mrs. Lieske will discuss that area with Police Chief Spaetzel to see if there are safety concerns.
The Police Division agrees with the elimination of the head in parking at the establishments on Dover Center Road. Dover Center is a main thoroughfare and, in the area of Malley’s and the dental offices, adjacent to three separate intersections. This creates additional safety concerns due traffic congestion, pedestrian traffic and north/south traffic focusing on the traffic signalization. There is quite a bit of head in parking on both the north and south sides of Knickerbocker east of Dover Center. However, this is a far less congested area, there is no signalization and more of an open view. (See attached photo). We have not had any significant complaints or significant number of traffic crashes in this area. A non-safety related issue to eliminating head in parking on Knickerbocker would be the lack of other parking options for the businesses on the south side of Knickerbocker, because of the building close proximity to the roadway.

It is also my understanding that the City has agreed in principle to improve the pedestrian crossing on Knickerbocker at Dover Center as part of the Knickerbocker Apartments renovation. This is a positive safety factor for this area.

Please let me know if you have any further questions and need any more assistance.

Mark A. Spaetzel  
Chief of Police  
Bay Village Police Department  
28000 Wolf Rd  
Bay Village, Ohio 44140  
O: (440) 899-3465  
F: (440) 899-3478  
mspaetzel@cityofbayvillage.com
Joan Kemper

From: Karen Lieske <karenlieske@yahoo.com>
Sent: Tuesday, April 25, 2017 6:11 AM
To: Joan Kemper
Subject: [Possible SPAM - Bay Village SPAM Filter] Fw: Square Footage
Attachments: DOC040517-04052017094755.pdf

Importance: Low

Joan,

Another item to copy please.

Thanks.

Karen

----- Forwarded Message ------
From: Lorree Lewis <llewis@cityofbayvillage.com>
To: Karen Lieske <karenlieske@yahoo.com>
Cc: Marty Mace <mmace@cityofbayvillage.com>; Paul Koomar <pkoomar@cityofbayvillage.com>; Paul Vincent <pvincent@cityofbayvillage.com>
Sent: Wednesday, April 5, 2017 9:57 AM
Subject: Square Footage

Per your question concerning square footage sizes as a sample I have attached Rocky River and Westlake's requirements for review.

SENT ON BEHALF OF GARY A. EBERT

Lorree Lewis
Assistant to Gary A. Ebert, Law Director
Bay Village Law Department
350 Dover Center Road
Bay Village, Ohio 44140
O: (440) 899-3412
llewis@cityofbayvillage.com
1153.05 LOT REQUIREMENTS.

Minimum Lot Area and Width. The area and width of a lot shall not be less than the minimum use regulations.

Maximum Lot Coverage. The maximum lot coverage by building shall be 28%.

Schedule 1153.05 Minimum Lot Requirements.

<table>
<thead>
<tr>
<th></th>
<th>R-1 Single-Family Residential District</th>
<th>T</th>
<th>F</th>
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<tbody>
<tr>
<td>Minimum lot area</td>
<td>10,000 square feet</td>
<td>sq</td>
<td></td>
</tr>
<tr>
<td>Minimum width at building setback line (a)</td>
<td>75 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum lot coverage by building</td>
<td>28%</td>
<td></td>
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</tr>
</tbody>
</table>

(a) For lots adjacent to curved streets, the lot width shall be the arc length of the building setback line.

KY RIVER
1211.17 SIDE YARDS, INSUFFICIENT WIDTH.
The side yards of a lot are narrower than required for the district in which the lot lies (Ordinance No. 1969, passed July 16, 1970) or a relevant amendment thereto, and is still so as to be in violation of other regulations of this Zoning Code.
(Ordinance No. 1969-169. Passed 7-16-70.)
# Minimum & Maximum Lot Sizes for New Single Family Dwelling Homes

<table>
<thead>
<tr>
<th>CITY</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>AVON LAKE</td>
<td>R-1 - 15,000</td>
<td>R-1 - 40%</td>
</tr>
<tr>
<td></td>
<td>R-1A - 12,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-1B - 6,5000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-1C - 4,800</td>
<td></td>
</tr>
<tr>
<td>BEREA</td>
<td>6,500</td>
<td>30%</td>
</tr>
<tr>
<td>FAIRVIEW PARK</td>
<td>11,250</td>
<td>40%</td>
</tr>
<tr>
<td>ROCKY RIVER</td>
<td>20,000</td>
<td></td>
</tr>
<tr>
<td>WESTLAKE</td>
<td>20,000</td>
<td>20%</td>
</tr>
</tbody>
</table>
SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

The following development standards shall apply to the R-SF-A and R-SF-B zoning districts:

### R-SF-A and R-SF-B Zoning District Development Standards

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>R-SF-A</th>
<th>R-SF-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size (square feet)</td>
<td>6,500</td>
<td>6,500</td>
</tr>
<tr>
<td>Setback (feet)</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Setback of Principal Building (feet)</td>
<td>35 (e)</td>
<td>35 (e)</td>
</tr>
<tr>
<td>Setback of Principal Building (feet)</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Setback of Principal Building (feet)</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Setback for Accessory Structures (feet)</td>
<td>5 (f)</td>
<td>5 (f)</td>
</tr>
<tr>
<td>Lot Coverage Ratio (for Principal Building)</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Principal Building (feet)</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Accessory Use Structure (feet)</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Gross Live Area of a One Story Dwelling (square feet)</td>
<td>1,200 (h)</td>
<td>1,000 (h)</td>
</tr>
<tr>
<td>Gross Live Area of a Two Story Dwelling (square feet)</td>
<td>1,400 (h)</td>
<td>1,200 (h)</td>
</tr>
</tbody>
</table>

On corner lots, the principal building shall be set back from both streets according to the front which it is located.

Accessory buildings are not permitted in the front yard or side yard unless expressly provided for in this Code.

Lot coverage ratio is calculated for the specific yard in which the structure is located.

Lot coverage ratio is calculated for the entire lot area.

Front yard setback for a principal building is 35 feet.

Front yard setback for a principal building is 35 feet, such substantially uniform front building line, as determined by the planning commission shall establish the minimum depth of the front yard for each zoning lot within such block face. Such front yard setback distance for principal structures shall be 35 feet measured from the edge of the front building face.

Rear yard setback for an accessory structure is 5 feet unless provided otherwise in this Code.

Building heights for approved conditional uses shall be provided for in the Conditional Use Permit. A minimum livable floor area shall be exclusive of garages, carports, garages, eaves, gutters, porches, outside enclosures or basements not meeting the ingress/egress requirements.
SCHEDULE OF DWELLING UNIT AREA REQUIREMENTS.

In subsection (b) hereof, the following shall be the dwelling unit area

<table>
<thead>
<tr>
<th>Minimum main building area per dwelling unit (square feet)</th>
<th>One-story building</th>
<th>Two-story building</th>
</tr>
</thead>
<tbody>
<tr>
<td>1250</td>
<td>1500</td>
<td></td>
</tr>
<tr>
<td>950</td>
<td>1250</td>
<td></td>
</tr>
<tr>
<td>950</td>
<td>1250</td>
<td></td>
</tr>
<tr>
<td>700</td>
<td>950</td>
<td></td>
</tr>
<tr>
<td>950</td>
<td>1250</td>
<td></td>
</tr>
<tr>
<td>850</td>
<td>950</td>
<td></td>
</tr>
</tbody>
</table>

...
### SCHEDULE OF AREA REQUIREMENTS

<table>
<thead>
<tr>
<th>Lot area per dwelling unit (square feet)</th>
<th>Width of lot at building line (feet)</th>
<th>Maximum percent of lot covered by buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>11,250</td>
<td>75</td>
<td>40</td>
</tr>
<tr>
<td>7,800</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>7,500</td>
<td>50</td>
<td>35</td>
</tr>
<tr>
<td>5,000</td>
<td>40</td>
<td>35</td>
</tr>
<tr>
<td>7,500</td>
<td>50</td>
<td>35</td>
</tr>
</tbody>
</table>
CONDITIONAL USES IN SINGLE-FAMILY, TWO-FAMILY,
FAMILY ATTACHED, MULTI-FAMILY AND PUBLIC
USES DISTRICTS.

The regulations governing minimum lot area, minimum lot width
requirements for principal and accessory buildings and parking areas for
Single-Family, Two-Family, Single-family Attached, Multi-family, and
Supplemental requirements pertaining to such uses are set forth in
specific subsections are referenced in Schedule 1183.05, below.

Schedule 1183.05
Single-Family, Two-Family, Single-family Attached, Multi-family,
& Public Facilities Districts

<table>
<thead>
<tr>
<th>Minimum Lot Regulations (1)</th>
<th>Minimum Building Setbacks (1)</th>
<th>Minimum Parking Setbacks (1)</th>
<th>Also See Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>Width</td>
<td>Front Side/Rear</td>
<td>Front Side/Rear</td>
</tr>
<tr>
<td>20,000 sq. ft.</td>
<td>100 ft.</td>
<td>(2) 20 ft.</td>
<td>(3) 10 ft.</td>
</tr>
<tr>
<td>2 acres</td>
<td>200 ft.</td>
<td>(2) 20 ft.</td>
<td>(2) 10 ft.</td>
</tr>
<tr>
<td>20,000 sq. ft.</td>
<td>100 ft.</td>
<td>(2) 20 ft.</td>
<td>(3) 10 ft.</td>
</tr>
<tr>
<td>2 acres</td>
<td>200 ft.</td>
<td>NP (2) NA</td>
<td>NA NA</td>
</tr>
<tr>
<td>20,000 sq. ft.</td>
<td>NA NA</td>
<td>25 ft. 25 ft.</td>
<td>1183.11 (m)</td>
</tr>
<tr>
<td>20,000 sq. ft.</td>
<td>100 ft.</td>
<td>(2) 20 ft.</td>
<td>(3) 10 ft.</td>
</tr>
<tr>
<td>None</td>
<td>None</td>
<td>(2) 30 ft.</td>
<td>(3) 10 ft.</td>
</tr>
<tr>
<td>None</td>
<td>None</td>
<td>(2) 30 ft.</td>
<td>(3) 10 ft.</td>
</tr>
</tbody>
</table>
The regulations governing specific zoning districts shall apply unless the specific regulations for the district in which the conditional use is located are more restrictive.

No more than 2 vehicles shall be located in the rear yard.
<table>
<thead>
<tr>
<th>Area/Development Unit (sq. ft.)</th>
<th>Minimum Development Area</th>
<th>Minimum Lot Width at Bldg. Line (ft.)</th>
<th>Minimum Lot Width at Street Line (ft.)</th>
<th>Main Bldg (s)</th>
<th>Accessory Buildings &amp; Uses</th>
<th>Front Yard (b)</th>
<th>Side Min.</th>
<th>Yard Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 (d) 20,000 (k) sq. ft.</td>
<td>20,000</td>
<td>100</td>
<td>45</td>
<td>20</td>
<td>30(a)</td>
<td>50</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>2,000 (i) 4 acres</td>
<td>4 acres</td>
<td>100</td>
<td>60</td>
<td>20</td>
<td>10(j)</td>
<td>50/30(e)</td>
<td>(f)</td>
<td>(f)</td>
</tr>
<tr>
<td>3,000 (i) 4 acres</td>
<td>4 acres</td>
<td>100</td>
<td>60</td>
<td>20</td>
<td>10(j)</td>
<td>50/30(e)</td>
<td>(f)</td>
<td>(f)</td>
</tr>
<tr>
<td>4,000 20,000 sq. ft.</td>
<td>20,000</td>
<td>100</td>
<td>60</td>
<td>25</td>
<td>30(a)</td>
<td>50</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>5,000 (h) 1 acre</td>
<td>1 acre</td>
<td>100</td>
<td>60</td>
<td>30</td>
<td>N/A</td>
<td>50</td>
<td></td>
<td>See Sec. 1211.19</td>
</tr>
<tr>
<td>Minimum 100 to 1000 (g)</td>
<td>Minimum 2 acres</td>
<td>100</td>
<td>60</td>
<td>30</td>
<td>N/A</td>
<td>75</td>
<td></td>
<td>See Sec. 1211.19</td>
</tr>
<tr>
<td>Minimum 100 to 20,000 (g)</td>
<td>Minimum 5 acres</td>
<td>300</td>
<td>240</td>
<td>20</td>
<td>40</td>
<td>100</td>
<td></td>
<td>See Sec. 1211.19</td>
</tr>
</tbody>
</table>

ARD area only.

Otherwise by ordinance.

Street, see Section 1211.12(b).

Section 1211.18.

Private driveway/50 feet to public street.

Between dwellings within the development parcel,

Perimeter boundary lines of the development parcel.
A, YARD AND HEIGHT REGULATIONS.

...age of 30 feet between all dwellings in the development.
See Section 1211.11(c).
See Section 1211.11(d).
...dwelling in the condominium development.
...ecessary uses to be approved by Planning Commission.
... parcel of record, the applicant may, upon the demonstration
... of the parcel, propose no more than ten percent (10%) 
...000 square feet but in no circumstances shall any lot
... feet. In order to demonstrate such unique characteristics,
...lish a practical difficulty or unnecessary hardship
... notwithstanding the foregoing, the average size of all
...osed subdivision shall equal or exceed

Ord. 16-89; Ord. 16-89;
CHAPTER 1240
Single-Family Residential District Regulations

1240.01 Purpose.
1240.02 Permitted uses.
1240.03 Lot regulations.
1240.04 Minimum required building setback for principal uses.
1240.05 Height regulations.
1240.06 Accessory use regulations.
1240.07 Home occupation regulations.
1240.08 Supplemental regulations for group homes for persons with disabilities.
1240.09 Site plan review required.
1240.10 R-1A Residence Districts.
1240.11 R-1C driveway materials within Single-Family Residential Cottage District.

CROSS REFERENCES
Division into districts - see Ohio R.C. 713.06
Basis of districts - see Ohio R.C. 713.10
Conditional uses - see P. & Z. Ch. 1250
Planned unit developments - see P. & Z. Ch. 1252
Adult entertainment businesses - see P. & Z. Ch. 1254
Wireless telecommunications - see P. & Z. Ch. 1256
Supplementary regulations - see P. & Z. Ch. 1260
Signs - see P. & Z. Ch. 1262
Off-street parking and loading - see P. & Z. Ch. 1264
Nonconforming uses - see P. & Z. Ch. 1266
District Boundary Descriptions - see P. & Z. Appendix A

PURPOSE.
This primarily comprised of detached, owner-occupied, single-family dwellings. While single-
family dwellings require high standards for use and location of principal and accessory buildings if the
city is to be maintained and remain high quality places in which to live, flexibility is required in
order to provide opportunities for diversity in dwelling type as well as to preserve open
space. Single-Family Residential District regulations are established to carry out the above purpose and the
objectives stated in Section 1210.02, and to achieve the specific objectives below:

Residence District. Provide as the prevailing district in the City areas for low density single-
homes with a minimum lot size of 15,000 square feet.

Residence District. Provide areas for slightly higher density single-family development with a
size of 12,000 square feet, primarily located in already platted but undeveloped portions of the
City permits as a conditional use various single-family arrangements in P.U.D.'s.
Residence District. Provide areas for higher density single-family development with a minimum
0 square feet, to be more consistent with the development pattern in the northeast portion of
(Passed 3-22-99.)

PERMITTED USES.

-1A, R-1B and R-1C Cottage Residence Districts, land and structures shall be used or
structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for a
specified for such district in Section 1240.02(a), a conditional use in accordance with Section
an accessory use to a permitted principal or conditional use in accordance with Section

Principal Uses. The principal uses enumerated in Schedule 1240.02, denoted with a "P", are permitted
in the district indicated, provided that all the requirements of other City ordinances and this Code

Residential Uses. The categories of conditional uses enumerated in Schedule 1240.02, denoted with a
"C" (other than accessory uses) be permitted in the district indicated, provided that all the
requirements of other City ordinances and this Code have been met.

Accessory Uses. The accessory uses, buildings, and structures enumerated above are permitted in any
Residential District, unless indicated otherwise below, when such accessory use is associated
to, and located on the same zoning lot as, the principal use. Such uses shall comply with the
requirements noted.

- Garages and off-street parking areas for the exclusive use of residents and their guests, in
Section 1240.06 and Chapter 1264.

- Swimming pools for the exclusive use of residents and their guests, subject to Section 1240.06(f) and
  an acceptable City ordinance;

- Day Care Homes (Type A & B) as defined in Section 1212.03(27);

- Occupations in accordance with Section 1240.07;

- in accordance with Chapter 1262;

- in accordance with Section 1240.06(d) and (e);

- Satellite dish-receiving antennas, when no greater than three (3) feet in diameter; when not located in
  yards; and, when placed on the ground, are not higher than eight (8) feet, or, when placed on a
  pole more than four (4) feet above the roof line; and

- accessory structures in accordance with Section 1240.06.

<table>
<thead>
<tr>
<th>SCHEDULE 1240.02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses in Single-Family Residential Districts (a)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Dwelling</td>
</tr>
<tr>
<td>Mobile homes</td>
</tr>
<tr>
<td>Senior housing, apartments for the physically disabled (S.H.D.)</td>
</tr>
<tr>
<td>Care for handicapped persons (H.C.H.P.)</td>
</tr>
<tr>
<td>N/AOTHER</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Church, private or religious</td>
</tr>
<tr>
<td>Museums</td>
</tr>
<tr>
<td>Office building</td>
</tr>
<tr>
<td>Care center</td>
</tr>
<tr>
<td>Maintenance center</td>
</tr>
<tr>
<td>Transmission &amp; distribution station</td>
</tr>
<tr>
<td>Communications towers and facilities</td>
</tr>
<tr>
<td>Power plant</td>
</tr>
<tr>
<td>Storage tanks</td>
</tr>
<tr>
<td>Septic tanks</td>
</tr>
<tr>
<td>Sewer lines</td>
</tr>
<tr>
<td>Storm drains</td>
</tr>
<tr>
<td>Ponds</td>
</tr>
</tbody>
</table>
Section 1240.08 for additional regulations.

Principal Use

Conditional Use

Passed 3-22-99; Ord. 26-07. Passed 3-26-07.)

LOT REGULATIONS.

Minimum lot area, width and maximum percent lot coverage, including all buildings and structures, maximum building height for single-family dwellings, are specified below.

<table>
<thead>
<tr>
<th>SCHEDULE 1240.03</th>
<th>Lot Regulations for Single-Family Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>R-1A</td>
</tr>
<tr>
<td>a (square feet)</td>
<td>15,000</td>
</tr>
<tr>
<td>Lot at Minimum Building Setback (feet)</td>
<td>100</td>
</tr>
<tr>
<td>Lot at Street Frontage (feet)</td>
<td>100(c)</td>
</tr>
<tr>
<td>Lot Width (feet)</td>
<td>120</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>40%</td>
</tr>
</tbody>
</table>

Section 1260.01 for additional regulations.

Lot if re-platted. If original plat is used, parts of two lots or more may be used to form a lot, providing that the zoning lot shall be at least 60 feet in width.

In areas where the prevailing lot widths and areas are larger than the minimum required according to this section, the minimum lot width and area of a newly created lot shall not be less than the average of 4 feet on one side of the street adjacent to such lot.

Regulations as set forth in Section 1240.10 supersede those set forth herein.

Lot parcel sizes in R-1C Cottage District areas are to be in accordance with subdivision plat for each lot. Parcel splits and combinations recorded on Lorain County Tax Maps subsequent to the recording shall take precedence if the original parcels have been enlarged. Buildable lots shall be larger than original subdivision plat.

Districts, except in the case of a corner lot, the minimum lot frontage shall not be less than 100 feet in curvilinear streets and cul-de-sacs, which shall have a minimum lot frontage of 60 feet.

Passed 3-22-99; Ord. 26-07. Passed 3-26-07; Ord. 9-09. Passed 1-26-09.)

MINIMUM REQUIRED BUILDING SETBACK FOR PRINCIPAL USES.

Setbacks shall be located no closer to the front, side or rear property lines as specified in Schedule 1240.03, portions of the lot not covered by the principal use, or as otherwise permitted in this chapter, landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping.
shall be adequately maintained so as to assure absorption of rainfall and to prevent erosion off of surface water.

<table>
<thead>
<tr>
<th>SCHEDULE 1240.04 (Minimum Building Setback in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1260.01 for additional regulations</td>
</tr>
<tr>
<td>Setback (as measured from the street)</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>buildings fronting on primary or secondary streets shall conform to the front building setback.</td>
</tr>
<tr>
<td>all buildings not having a width of 50 feet or less shall have a building setback of 10 feet and 3 feet with a grade.</td>
</tr>
<tr>
<td>regulations as set forth in Section 1240.10 supersede those set forth herein.</td>
</tr>
</tbody>
</table>

HEIGHT REGULATIONS.

For Family Districts R-1, R-1A, and R-1B, the height of any principal building shall not exceed 40 feet as regulated in 1260.05. The height of any permitted accessory building or structure shall not exceed one-half feet (17.5).

For Family District R-1C, the height of any principal building shall not exceed 26 feet total height above the approved finished grade. A minimum 4/12 pitched roof will be required in the R-1C District. The height of any permitted accessory building or structure shall not exceed 17.5 feet. In the R-1C District building heights shall be measured to the highest point on the roof structure.


ACCESSORY USE REGULATIONS.

All accessory uses, buildings and structures, excluding driveways for purposes of this section only, permitted in R-1B Districts, shall conform to the location, coverage and height regulations contained in attached garages as part of a dwelling are subject to the principal building setback requirements of Section 1240.04.

1. Location and Setback for Accessory Uses. An accessory use, building or structure permitted in R-1A, R-1B or R-1C Cottage District shall be located in the yard specified and no closer to the rear property lines than the distance set forth in Schedule 1240.06(a).
Accessory buildings shall be permitted in the side yard, provided such accessory building is at least 50 feet from the property line.

Section 1240.06(d) for fence regulations.

4 Location Requirements for Accessory Buildings: Maximum Permitted. Each dwelling in an R-1B and R-1C Cottage District shall be permitted to have a maximum of two detached accessory buildings only permitted in the rear yard, except that accessory buildings placed in the side yard when located at least 50 feet from the side property line.

R-1A Districts. For dwellings with attached garages, the area of any one accessory building shall not exceed 1,000 square feet and the total area of both accessory buildings shall not exceed 1,500 square feet. For dwelling units without attached garages, the area of any one accessory building shall not exceed 1,250 square feet and the total area of both accessory buildings shall not exceed 1,400 square feet.

Cottage District. For dwellings with attached garages, the area of any accessory building shall not exceed 500 square feet and the total area of both accessory buildings shall not exceed 650 square feet. For dwelling units without attached garages, an accessory building shall not exceed 500 square feet.

Accessory Buildings on Large Lots. In any Residential District on lots of 1.5 acres or greater, an accessory building shall be permitted to have a maximum of two accessory buildings and the total area of both accessory buildings shall not exceed 500 square feet.

5 Accessory Buildings on Large Lots. In any Residential District on lots of 1.5 acres or greater, an accessory building shall have an area not to exceed 4% of the area of the rear yard, or 3,000 square feet, whichever is less.

Lots with an area of three acres or more, such accessory building shall be permitted in the side or rear yard.

7 Accessory building shall be located no less than 150 feet from a public right-of-way and no less than 20 feet from a side or rear property line.

8 Accessory building shall not exceed 20 feet in height.

3 Coverage of Rear Yard. The maximum area of the rear yard that may be covered by accessory structures shall be as follows:

- 0%
- 45%
- 65%
- 65%

4 The term “accessory building structure” shall mean any horizontal surface which is placed on or above the ground, but excludes structural supports, portable equipment, fence posts, garden lifts and other similar items.


Section: Fence means any accessory wall or structure composed of wood, metal, stone, vinyl or any other material erected in such a manner and positioned to enclose, partially enclose, screen or divide any part of premises. The fence shall be at least 10 feet high, hedges, shrubbery, trees, bushes and plantings shall be excluded from classification as fencing walls required and/or approved by the Public Works Department shall not be subject to the regulations of this section.
The height of a fence shall be measured from the established grade line to the highest point between the posts of the fence and shall follow grade contours as far as practicable. The fence shall not include the posts or finials, except, however, that the posts or finials may not exceed six inches. The maximum height of fences in Single-Family Residential Districts shall comply with the regulations set forth in Schedule 1240.06(d).

A mound or base shall be created or constructed for the purpose of erecting the fence thereon so that the permitted height of the fence from the level of the then existing grade, unless otherwise approved by Planning Commission. Where a fence is constructed on a mound, or where gravel has been raised to a higher level than the surrounding surface, the permissible height shall be reduced by the height of such mound or raised surface as measured from the ground at the grade level within three feet of either side thereof.

Setbacks: Fences in R-1 and R-1A Districts shall be no closer than two feet to any right-of-way or property line. In R-1B and R-1C Cottage Districts there is no setback from the front right-of-way line. Setbacks from side and rear property lines shall comply with the regulations set forth in Schedule 1240.06(a). It shall be the duty of each property owner to ensure that the fence thus constructed does not deviate from the plans as approved by the Zoning Administrator, and all diagonal or supporting members shall be facing the property line.

All sides of a decorative wall shall have an equal level of finish.

Sidewalk visibility at street intersections: On corner lots, no fence shall be erected within a triangle right-of-way lines of two intersecting streets, and a line drawn between two points, each three feet from the intersection of the right-of-way lines.

If fences are erected and a water drainage situation occurs, such problem shall be alleviated or solved by adequate outlets at the bottom of the fence to eliminate possible accumulation of water or other undesirable conditions.

Temporary fencing: Fences erected for a specific function and limited time duration are permitted as long as they maintain compliance with the following requirements. Temporary fences shall be maintained in good condition and shall not require a permit. No temporary fencing material shall be used for permanent fencing. Temporary fences shall:

- All be permitted November 1st - April 1st.
- Not exceed four feet in height.
- Be limited to fencing materials of burlap, plastic mesh fabric of a neutral or dark color, any other material or wood slat fencing (traditional snow fence) with wood or metal supports.
- Be erected on private property only and positioned on the site so as to obstruct the view or vehicular traffic or be detrimental to public safety.
- Not cause an artificial or unnatural accumulation of snow or drifting to accumulate on the other in excess of that which would otherwise accumulate in the absence of such fence.

Construction fencing to enclose an active construction site for the duration of the construction

<table>
<thead>
<tr>
<th>Fence</th>
<th>Yard in Which Permitted</th>
<th>Maximum Height Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear</td>
<td>4 ft.</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>4 ft.</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>3 ft. see Exceptions (b) and (c)</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>4 ft.</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>6 ft.</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>3 ft. see Exceptions (a)</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>6 ft.</td>
<td></td>
</tr>
</tbody>
</table>

As used herein, the term "open fence" shall mean intended for decorative purposes having at least 50% of its vertical face open and uniformly distributed. A fence, as such is defined and permitted in this section, shall be constructed, erected and/or maintained on any individual lot within ten feet of any of the lot's boundary lines.
The front yard, along the front lot line, decorative walls constructed of brick, stone, or similar materials permitted in excess of the three-foot height limit, provided that the portion of the fence or wall more than three feet in height shall not be longer than 25% of the lot frontage and shall not exceed a height of 8 feet.

A one-foot open fence may be constructed in front of a dwelling provided that the length of such fence may not extend past the side walls of the house or across a driveway and provided it is set back from the right line a minimum of 75% of the minimum front building setback for the district. Fences up to 16 feet in total length may exceed the maximum permitted height when located in the rear of the property, adjacent to, and between the side walls, of the dwelling.

Requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this section.

The side yard property line of one residential property is also the rear yard property line of the adjacent property, that portion of the fence in the side yard that abuts the adjoining property’s rear yard and encroachment at such property line shall be permitted rear yard regulations.

Regulations for Conditional Uses. Fences for conditional uses shall be approved as appropriate at the time the conditional use is considered by the Planning Commission pursuant to Sections 17.04.04 as applicable.

Swimming Pools, Spas and Hot Tubs.

An outdoor swimming pool, constructed or manufactured pool, both permanent and temporary, not located within an existing building and which is used or intended to be used as a swimming pool in connection with a residential use, is available only to the residents and their private guests shall be classified as a private pool and shall be regulated by this subsection. For the purposes of this subsection, swimming pools, spas, and hot tubs and shall be defined as any in-ground, on-ground, or above-ground pool.

Swimming, wading or recreational bathing capable of containing in excess of two feet of water at any point as determined by manufacturer’s specifications.

Swimming pool not exceeding 54 inches in height shall only be located in a rear yard in accordance with the setback requirements set forth in Schedule 12.49.04(a).

This pool and customary pool equipment and accessories (such as a pool deck, diving board or a spa), not exceeding five feet in height, shall only be located in the rear yard, but shall not be closer than any property line.

Swimming pool construction and operation shall be in accordance with standards and regulations promulgated by the Board of Health having jurisdiction within the City, the Building Code and any other regulations governing the construction and operation of such facilities.

An outdoor swimming pool, as defined in this subsection, shall be surrounded by a barrier which with the following:

- Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy materials at least 48 inches in height, measured from the ground level at each point along the boundary of the pool. The enclosure shall be of such design as to prevent young children from crawling or jumping through, under or over such enclosure without the use of a ladder or other implement.
- The barrier shall not allow passage of a four-inch diameter sphere.
- All barriers which do not have openings, such as a masonry or stone wall, shall not contain protrusions except for normal construction tolerances and tooled masonry joints.
- Access gates into such enclosure shall be self-closing and have a self-latching device. The gates shall be equipped with at least one such access gate.
- Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the fence and the means of access is a ladder or steps, then the ladder or steps shall be capable of being locked or removed to prevent access.
- The required barrier must be installed prior to filling the pool with water.

A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.
A building permit shall be obtained from the Building Department before construction of a pool is begun and shall contain plans and specifications for both the pool and the fence or other barrier which the owner proposes to erect around the pool, as well as a plot plan showing the exact pool and barrier with reference to lot lines and other buildings on the property. The pool shall be shaded so as not to be a disturbance to adjacent properties.

A sound of motor or pumps in such manner as to disturb the peace, quiet and comfort of inhabitants shall be shielded to prevent such disturbances.

8. An unenclosed porch attached to a single-family home may be erected within the required rear yard, but shall not exceed 35% of the required rearward area. The installation of green panels shall not be interpreted as enclosing a porch. This allowance into otherwise required area shall apply to any conditional uses in the R-1, R-1A, R-1B or R-1C Cottage District.

Livestock and Household Pets.

Pensance of livestock. Maintaining or harboring of livestock is prohibited unless approved as a premise per Schedule 1240.02(B)(13). Maintaining or harboring roosters may not be approved as a premise.

and vegetables: pets. Raising fruits, vegetables or nursery stock for private use, and keeping livestock is not kept, raised or bred for profit, are permitted in Single-Family Districts.

Passed 3-22-99; Ord. 258-03; Passed 11-24-03; Ord. 26-07. Passed 3-26-07; Ord. 64-09; Ord. 90-2011. Passed 9-12-11; Ord. 43-2014. Passed 4-14-14; Ord. 105-2014. Passed 8-25-16. Passed 4-25-16.)

HOME OCCUPATION REGULATIONS.

The purpose of this section is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling while the nonresidential use is limited to an accessory use, and does not in any manner whatsoever detract from the residential character of the neighborhood in which it is located. Compliance with the requirements set forth in Sections 1240.07(a) through (j) should result in all home occupations being located in such a manner that their existence is not detectable in any manner from the outside of the home occupation shall be clearly incidental and secondary in importance to the use of the dwelling premises.

Any business related in any manner to the home occupation shall be conducted by occupants of the unit. One subordinate additional service employee shall be permitted to be employed on the premises.

Business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building area shall be permitted.

The occupation may be conducted in any area of the dwelling including the basement provided the total area shall occupy no more than one room in the dwelling unit or an area equal to twenty percent (20%) of the area of the main floor of the dwelling unit, whichever is greater. The area of an attached garage shall not be included when calculating the area of the main floor of the dwelling unit.

Activity, material, goods, or equipment indicative of the proposed use shall be carried on, utilized in the dwelling unit and shall not be visible from any public way or adjacent property.

Business activity shall only use customary home equipment and shall not create a nuisance by generating any noise, odor, dust, vibrations, fumes, smoke, electromagnetic interference or truck or vehicle traffic which would depreciate or change the residential character of the neighborhood in which the proposed use is located.

Shall not be any sign or change in the outside appearance of the building or premises, or other change related to the home occupation except for name plates permitted on a residence section 1262.04. For a home occupation, the name plate may include the professional initials of i.e., A.I.A., C.P.A., M.R.A., Ph.D., etc.).
Business activity shall not constitute a fire hazard endangering the site of the home occupation and property sites. There shall be no storage of hazardous, combustible or flammable matter, of rubbish or waste paper, and storage of cartons and/or boxes situated in a manner that would impair property in case of an actual fire.

Business activity shall not cause an increase in the use of any one or more public utilities (water, sanitation, etc.) so that the combined use of the residence and home occupation does not require use for residences in the neighborhood of the proposed use.

Business shall not be regular selling of goods or service and/or other activities which result in the number of cars or trucks attracted to the premises being greater than that which is normally associated with the premises, including normal fluctuations in the level of residential activities.

Passed 3-22-99.)

SUPPLEMENTAL REGULATIONS FOR GROUP HOMES FOR PERSONS WITH DISABILITIES.

In accordance with the applicable standards of this Code, a group home for disabled persons shall comply with regulations.

The owner/operator shall be properly licensed by the State of Ohio; and

No more than two (2) group homes for persons with disabilities shall be located within one-fourth of a block of each other.

Passed 3-22-99.)

SITE PLAN REVIEW REQUIRED.

Additional use in an R-1, R-1A, R-1B or R-1C Cottage District, subject to site plan review action 1217.03(a), shall require the submission and approval of a site plan pursuant to the forth in Section 1217.03(b) through (i).

Passed 3-22-99; Ord. 26-07. Passed 3-26-07.)

1A RESIDENCE DISTRICTS.

<table>
<thead>
<tr>
<th>Lot Area in Square Feet</th>
<th>Lot Width at the Bldg., Line in Feet</th>
<th>Minimum Setback Line as Measured Normal to the Established Centerline of the Street in Feet</th>
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<tbody>
<tr>
<td>8,000</td>
<td>16,000</td>
<td>80 150 55 North Dr. 65</td>
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<tr>
<td>South Dr.</td>
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<tr>
<td>Waterbury Ave.</td>
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</tr>
<tr>
<td>Almeda Ave.</td>
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<tr>
<td>Milton Ave.</td>
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<tr>
<td>Fayette Ave.</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>Second Rd.</td>
<td>(*)</td>
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<tr>
<td>Cree Rd.</td>
<td>(*)</td>
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<tr>
<td>6,300</td>
<td>12,600</td>
<td>70 140 Avondale Ave. (*)</td>
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<tr>
<td>Caldwell Ave.</td>
<td>(*)</td>
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<tr>
<td>Rosehill Ave.</td>
<td>40</td>
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</table>
Ave. 40
Bryant Ave. 40
Duff Ave. 40
Green Ave. 45
Bell Ave.
North side,
Green Elberton
and west
of Sub-
mission) 45
1,000 20,000 80 150 Moore Rd. 70
Charleston Ave. 65
Malinda Ave.
Canterbury Rd.) 65
1,000 20,000 100 200 Ashwood Dr. 70

10,500 21,000 75 150 Avon Belden Rd. 70
Hunter Rd. 70
Carter Rd. 70
Concord Dr. 70
Canterbury Rd. 70
Armour Rd. 70
Carter 10,000 20,000 80 150 Avon Belden Rd. 70
Albion Dr. 70
Belmont Dr. 70
Cortland Dr. 70
Cortland Ave. 70
All American Rd. 85
Wilkes Ave. (between
Cortland Dr. and
All American Rd.) 75
1,000 16,000 80 150 Lake Rd. 90
Lakeland Ave. 70
Lake Ave. 70
Lakeland Ave. 70
<table>
<thead>
<tr>
<th>Street Name</th>
<th>Acres</th>
<th>Width</th>
<th>Height</th>
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<td>75</td>
<td>80</td>
<td>150</td>
<td>Artsdale Dr 60</td>
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<tr>
<td>Curtis Dr</td>
<td>60</td>
<td></td>
<td></td>
<td>Curtis Dr 60</td>
</tr>
<tr>
<td>1st Ave.</td>
<td>65</td>
<td></td>
<td></td>
<td>1st Ave. 65</td>
</tr>
<tr>
<td>Arrowood Ave.</td>
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<td></td>
<td></td>
<td>Arrowood Ave. 70</td>
</tr>
<tr>
<td>Wood Ave.</td>
<td>70</td>
<td></td>
<td></td>
<td>Wood Ave. 70</td>
</tr>
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</table>
| Union Dr.   |       |       |        | Union Dr. (sets)
|             |       |       |        | to be determined by Zoning
|             |       |       |        | and of
|             |       |       |        | deals)
| 11,000      | 150   | 80    | 22,000 | Armour Rd 80 |
| Herman Dr   | 80    |       |        | Herman Dr 80 |
| South Dr.   |       |       |        | South Dr. (sets)
|             |       |       |        | to be determined by Zoning
|             |       |       |        | and of
|             |       |       |        | deals)
| 11,000      | 150   | 80    | 22,000 | Avon Point Ave. 70 |
| Fay Ave.    | 70    |       |        | Fay Ave. 70 |
| Girard Blvd. |       |       |        | Girard Blvd. (sets)
|             |       |       |        | to be determined by Zoning
|             |       |       |        | and of
|             |       |       |        | deals)
| 10,000      | 150   | 80    | 20,000 | Groveland Dr 65 |
| Woodhaven Dr | 65   |       |        | Woodhaven Dr 65 |
|             |       |       |        | Groveland Dr. 65 |
|             |       |       |        | Woodhaven Dr. 65 |
|             |       |       |        | Groveland Dr. 65 |
| 8,500       | 150   | 80    | 17,000 | Glendale Ave. 60 |
|             |       |       |        | Glendale Ave. 60 |
|             |       |       |        | Glendale Ave. 60 |
| 11,000      | 150   | 80    | 22,000 | Walker Rd. 100 |
|             |       |       |        | Walker Rd. 100 |
Jaycox Rd. 90
Stratford Rd. 80

May 8,250 16,500 75 150 Parkland Dr. (*)
- Bonnie View Dr. (*)
Colony Dr. (*)

11,000 20,000 80 150 Chelsea Ave. 65
Moore Rd. 90

Passed 3-22-99.)

1C DRIVEWAY MATERIALS WITHIN SINGLE-FAMILY RESIDENTIAL DISTRICT.

Driveaway materials in the residential districts shall be either portland cement concrete,
portland concrete, crushed gravel or an approved semi-rigid surface material as approved by the
Director in consultation with the Municipal Engineer. Blast furnace slag and crushed concrete
lined driveaway surfaces.

Passed 3-26-07; Ord. 43-2014. Passed 4-14-14.)
<table>
<thead>
<tr>
<th>CITY</th>
<th>COMMERCIAL</th>
<th>RESIDENTIAL</th>
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<tbody>
<tr>
<td>AVON LAKE</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>BEREA</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>FAIRVIEW PARK</td>
<td>WAS REMOVED BY ELECTORS ON NOVEMBER 2, 1993</td>
<td>WAS REMOVED BY ELECTORS ON NOVEMBER 2, 1993</td>
</tr>
<tr>
<td>LAKEWOOD</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>ROCKY RIVER</td>
<td>YES – KNOWN AS DESIGN AND CONSTRUCTION BOARD OF REVIEW</td>
<td>YES – KNOWN AS DESIGN AND CONSTRUCTION BOARD OF REVIEW</td>
</tr>
<tr>
<td>WESTLAKE</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>
RULES AND REGULATIONS OF THE
BOARD OF BUILDING STANDARDS AND BUILDING APPEALS/
ARCHITECTURAL BOARD OF REVIEW/SIGN REVIEW
(As Amended March 10, 2008)

Acting pursuant to the authority granted to it by Section 156.03 of the Ordinances of the City of Lakewood, that the Board of Building Standards and Building Appeals/Architectural Board of Review/Sign Review hereby adopt the following Rules and Regulations:

ARTICLE 1

OFFICES

Section A - Designation

The Board shall elect a chairman and vice-chairman, who shall be members of the Board. It shall elect such other officers, as it may from time to time deem necessary that need not be members of the Board.

Section B - Election and Terms

The officers shall be elected at the regular meeting of the Board held in January of each year and they shall take office immediately and hold such office until the next January meeting of the Board or until their successors are elected and qualified. The Board may remove any officer at any time with or without cause by a majority vote of the entire membership of the Board. The Board may fill any vacancy in any office for the unexpired term.

Section C - Chairman

The Chairman shall preside at all meetings of the Board, appoint all committees and be an ex-officio member of such committees. He or she shall perform all of the duties incident to the office and such other and further duties as from time to time shall be required or authorized by any ordinance of the City, these Rules, or the Board.
Section D - Vice-Chairman

The Vice-Chairman, in the absence or inability of the Chairman to act, shall perform the duties of the Chairman and possess the same power and authority as the Chairman.

Section E - Secretary

The Secretary shall serve as the chief staff executive for the Board. He or she shall attend all meetings of the Board and of all of its committees and keep the minutes thereof; give or cause to be given any notice required by the ordinances of the City or these Rules; and shall perform all other duties incident to the office of a secretary and such other duties as may be assigned to him or her by the Board.

Section F - Other Duties

Any other officers elected by the Board shall perform such duties and functions as may from time to time be required or authorized by the Board.

ARTICLE 11

MEETINGS

Section A - Regular Meeting

The regular meeting of the Board shall be held monthly on the second Monday of each month at city hall, City of Lakewood, at 5:30 p.m.

Section B - Special Meetings

Special meetings of the Board shall be held whenever called by the Chairman or Vice-Chairman in the absence of the Chairman or by the Secretary when requested in writing by any two (2) members of the Board. Matters considered at a special meeting shall be limited to the matters described in the notice of the meeting.

Section C - Pre-Meeting (Work Session for Board Members)

Pre-meetings of the Board shall be held monthly on the first Monday of each month at city hall, City of Lakewood, at 4:00 p.m. The Board and Building Department personnel shall attend the pre-meeting for the purpose of reviewing the docket items. Pre-meetings are open to the public. During this administrative work session, the Board members may ask questions of the applicants and/or their legal representatives, if present. Any other comments from the applicants, their legal representatives or the general public shall be reserved until the regular meeting of the Board.
ARTICLE 111

DOCKET

Section A - Application Procedures

I. Any appeal or application to the Board of Building Standards and Building Appeals, in accordance with the City Charter, brought to the attention of the Secretary of the Board prior to noon thirteen and one-half (13 1/2) days preceding the next regular meeting of the Board shall be placed upon the docket for that meeting.

II. The applicant or legal representative must appear at the regular meeting in order for the Board to act upon the application filed. The Board may deny the request for a variance if an applicant or his representative fails to appear at the meeting. The Board shall consider appeals and applications and shall either approve, deny or defer the matter until the next meeting of the Board.

A "legal representative" will be expected to possess credentials or other written evidence of authority. Questions regarding the credentials of the representative may result in the matter being deferred.

Because of the potential conflict of interest between sign fabricators/contractors and property owners/tenants, sign companies will not be accepted as "applicants" unless they are the owners or tenants of the property on which the signage is to be erected.

The following are examples of persons who might meet the criteria of "legal representative" of an applicant to the Board of Building Standards/Architectural board of Review/Sign Review.

1. Officer of a company

2. Officer, trustee of a church or non-commercial organization

3. Attorneys, architects

4. Spouse of a married proprietor or building owner

5. Persons possessing adequate power to negotiate on behalf and amend applications of and bind the applicant
III. Applications for a variance to the Building Code of the City, which have been denied by the Board, may be resubmitted within ten (10) days, if a request is made in writing by the applicant, setting forth the grounds thereof. If the Board determines by vote that valid grounds have been submitted, a rehearing shall be granted.

If the request is not made within ten (10) days from the date of ruling, no application on the same appeal may be made to the Board for a period of six (6) months from the date the original application was denied. The filing of an application for a rehearing shall not be deemed to extend the time period permitted by law for the filing of an appeal to the courts.

IV. Decisions of the Board on applications for relief of Building Code violations shall be deemed to be final, and the Secretary shall not accept or docket applications, which have been denied by the Board unless a rehearing is granted pursuant to Item III above.

Section B - Copies of the Docket

The Secretary shall e-mail the entire docket to each member of the Board. The Secretary shall deliver a copy of the docket to the Mayor of the City of Lakewood, City Council, Directors including the Police and Fire Chief, Building Commissioner, Assistant Building Commission for Housing and Assistant Building Commissioner for Commercial on or before the 7th day prior to the regular meeting of the Board. The Board or the Chairman may at any time, or from time to time, request the regular or special delivery of a copy of any one (1) or all of the items on the docket to any other person, firm, or corporation.

Section C - Contents of a Docket Item

Each item listed on the docket shall include:

1. The name of the applicant requesting a ruling.

2. The location of the property involved.

3. The character of the request or appeal.

4. The reason for submission to the Board.


6. A plot plan or other drawing if structure, room size or arrangement is involved if requested by the Board.
ARTICLE IV

NOTICES

Section A - Notices of Regular Meetings

The delivery of the docket as provided in Article III, Section B shall constitute a notice to members of the regular meeting of the Board provided for in Article II, Section A.

Section B - Notices of Special Meetings

Written notice of any special meeting called pursuant to Article II, Section B shall be given by the Secretary to each member of the Board at least two (2) days in advance of the time set for such special meeting.

Section C - Pre-Meeting (Work Session for Board Members)

Notice of the Pre-Meeting calendar is distributed yearly to all recipients of Board of Building Standards/Anticipational Board of Review/Sign Review agendas and dockets. A copy of the yearly calendar is also contained in the application packet.

Section D - Waiver of Notices

Any member of the Board may waive any requirement for notices to members established by these Rules in writing and his attendance at any meeting shall be considered a waiver of any notice requirement of such meeting.

Section E - Contents of Notice of Special Meeting

If any special meeting is called to consider an appeal from the denial of an application for a building or ruling limiting or restricting any work under any permit issued or requesting an interpretation of the Building Code, the notice of said special meeting to members shall contain relating to such items all facts required in Article III, Section C of these rules.

Section F - Public Notice

The Secretary shall be required to provide all notices pursuant to Chapter 109 of the Administrative Code of the Codified Ordinance of the City of Lakewood.
ARTICLE V

CONDUCT OF MEETING

Section A - Order of Consideration

Unless otherwise directed by motion of the Board, the Chairman shall call for consideration of the docket items in the order in which they were filed.

Section B - Procedure for Disposition of an Item

Upon the call of the Chairman for the disposition of an item, unless otherwise directed by a motion of the Board, the following procedure shall be followed:

A. The Secretary shall record the comments and recommendations made by the Board at the Pre-meeting pursuant to Article II, Section C. The secretary shall prepare a written summary. At the regular meeting, the Chairman shall read the summary for each item appearing on the agenda.

B. A statement of the applicant seeking the relief from the order of interpretation appealed from which statement may be supplemented by any written or graphic material deemed to be pertinent by the applicant to the item in issue.

C. A statement, or statements, by interested persons including Building officials and members of the Department of Law of the City of Lakewood either in support or opposed to the request of the applicant which statement, or statements, may be supplemented by any written or graphic material deemed by the Chairman to be pertinent to the item in issue.

D. Any statement by the applicant in rebuttal of the statement made by any interested parties.

E. The Chairman shall thereupon call for disposition of the item.

Section C - Participation by Members of the Board

At any time during the presentation, any member of the Board may ask questions of the person appearing before the Board providing he first receives permission to ask such questions from the Chairman.
Section D - Comments and Questions by Other Than Members of the Board

All persons, during the consideration of any item, shall direct their comments only to the members of the Board and any questions they may desire to ask shall be stated to the Board and the Chairman, after determining the questions pertinent, shall restate the question and request the answer.

Section E - Power of Chairman

It shall be the duty of the Chairman to conduct all proceedings before the Board and his ruling in connection therewith shall be final unless appealed by any member of the Board and such appeal being supported by at least a majority of the Board.

ARTICLE VI

QUORUM AND VOTING

Section A - Quorum

The presence of a majority or more of the members of the Board shall be necessary to constitute a quorum for a meeting of the Board.

Section B - Roll Call Vote

Except for procedural matters all voting shall be by roll call and a record of the “yeas” and “nays” shall be set forth in the minutes.

Section C - Approval

At least three (3) members of the Board shall vote in favor of the approval of any variance, allowance of an appeal or interpretation of the Building Code.

ARTICLE VII

WAIVER

Any rule herein established may be waived by the affirmative roll call vote of at least four (4) members of the Board.
ARTICLE VIII

CONFLICT OF INTEREST

No member of the Board or other officer shall participate as such, through decision, approval or disapproval, recommendation, the rendering of advice, investigation or otherwise in a Board action, proceeding or other particular matter in which, to his or her knowledge, he or she, his or her spouse, child, partner, business association in which he or she is service as an officer, director, trustee, partner or other employee or any person or organization with whom he or she is negotiating or has an arrangement concerning prospective employment, or has a substantial financial interest. The foregoing prohibition does not apply: in the case of a Board member or other officer, if he or she, by statement entered upon the minutes of the Board record first discloses the nature and circumstances of the Board action, proceeding or particular matter and his financial interest in it and declares that his interest is not so substantial as to infect the integrity of his or her action as a member of the Board or holder of any office.

ARTICLE IX

SUMMARY APPROVAL PROCEDURE FOR SIGN REVIEW

I. A sign proposal submitted for review for which NO variance is requested or required in order to comply with the City’s Sign Ordinance, Chapter 1329 of the Lakewood Codified Ordinances, is eligible for summary approval. A committee of no less than three (3) members of the Board, including the Chairman or Vice-Chairman, shall review the proposal. If the committee unanimously recommends the proposal, the proposal shall be referred to the full Board at its next regular meeting with the committee’s recommendation.

II. The committee shall meet once a month during the Board’s regularly scheduled pre-meeting. Neither the applicant nor his/her representative is required to appear at the pre-meeting but may do so to discuss the proposal. If a proposal receives summary approval recommendation, the applicant is not required to appear at the regular meeting of the Board at which his proposal is docketed.

III. If a sign proposal does not receive summary approval, it shall remain on the docket for the next Board meeting for which it is eligible for consideration. If a proposal presented for summary approval is not approved, but in the opinion of the Committee could be approved with modification, the applicant may resubmit prior to presentation to the full Board (this may require voluntary deferral on the regular Board docket).
IV. The criteria which the Chairman shall use in determining whether a sign proposal shall receive summary approval shall include, but not limited to, the following:

A. Signs similar in design, materials, composition scale, and appearance to other approved signs on adjacent storefronts in the same building ordinarily should be referred to Committee;

B. Signs similar in design, materials, composition, scale and appearance to approved signs being replaced shall ordinarily be referred to Committee;

C. Signs which, based on previous experience and history of the Board, are likely to be subject to debate or are a substantial departure from approved signs in the place and/or environs proposed to locate the sign should not be referred for summary approval;

D. No signs which require a variance should be referred, as all variances must be presented to the full Board at the regularly scheduled public meeting, to allow other persons an opportunity to voice any opposition to the granting of a variance and to afford the applicant an opportunity to demonstrate the necessary hardship;

E. Any sign proposal about which the Building Department, a member of the Board or any member of the public has expressed reservations or has requested full Board consideration of, shall not be referred for summary approval;

F. Existing sign submitted for review which have been in existence since before the creation of sign review by the Board, and which do not require variances, should be given great consideration for referral to Committee;

G. Sign proposals of great magnitude or likely to set a standard for a neighborhood, trade or industry should not be referred for summary approval;

V. A proposal receiving summary approval recommendation from the Committee and referred to the full Board for approval shall be made available for review by any member of the Board or the public at the regular meeting of the Board. Proposals receiving summary approval shall be so identified and noted on the record at the regular meeting of the Board on which the proposal is docketed.

A. If no member of the Board or the public objects, the Board may entertain a motion to approve all proposals receiving summary recommendation. Passage of said motion shall be deemed final approval of such proposals and
the Building Department shall issue the appropriate permits. No permits shall be issued prior to said regular monthly public meeting.

B. Where a member of the Board objects, the proposal shall be deferred to the next regular meeting of the Board. An objection by a member of the public shall be considered by the Board to determine whether deferral is appropriate.

ARTICLE X

MINOR ALTERATIONS, ADDITIONS TO ARCHITECTURAL PROPOSALS AND SIGN PROPOSALS

It shall be the policy of the Board to delegate to the Chairman the review of minor alterations, additions, or deletions ordered by the Board of otherwise accepted architectural proposals and sign proposals. If in the Chairman's opinion the revised proposal meets the Board's conditional approval, then no further appearances before the whole Board will be necessary.

It shall be the further policy of the Board that the whole Board authorizes the Chairman, upon the recommendation of the Building Commissioner, to approve minor alterations, revisions, or deletions of or to existing buildings and signs without presentation and review. In these instances, the Chairman's failure to approve will not be a denial of approval but will merely cause the item to remain on the docket for regular consideration at the next scheduled meeting of the Board.

ARTICLE XI

AMENDMENTS

These Rules and Regulations may be amended or the Board at a meeting may adopt new Rules and Regulations for such purpose by the affirmative vote of at least three (3) members of the Board.
To investigate and propose on its own initiative such amendments to the Development Code, as it may deem consistent with the purposes of this Development Code and which further the public health, safety, and general welfare of the City of Rocky River;

(6) To resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Chapter 1149, Establishment of Districts and Maps;

(7) To review and act on sign applications, as provided for in Chapter 1193, Sign Regulations, according to the procedures, standards, and criteria stated in this Development Code;

(8) To perform such other functions as are referred or delegated to it by the City Council or the Mayor; and, 

(9) To hear and decide all other matters referred to and upon which it is required to pass by this Code.

1125.07 DESIGN AND CONSTRUCTION BOARD OF REVIEW/ARCHITECTURAL REVIEW BOARD.

(a) Intent. The appearance of buildings, structures, open spaces and landscape throughout the City is of public concern and in the public interest; therefore, provisions are established in this Section to achieve, among others, the following purposes:

(1) To conserve the attractive environment of the community and to guide future development to further improve the appearance of the community.

(2) To maintain community values, as well as individual property values, through the relationship of design among neighborhood properties.

(3) To assure that each new development shall be attractive within itself.

(4) To apply such concepts impartially according to design criteria of form, composition, color and materials.

(5) To carry out the objectives of the Plan of the City.

(b) Establishment, Organization and Proceedings. The creation and composition of the Design and Construction Board of Review shall be as provided for in the Charter of the City of Rocky River

(1) The Design and Construction Board of Review originally established by Ordinance 17-66, passed January 24, 1966, shall consist of three (3) regular members and two (2) alternate members, each of whom shall be residents of the City and shall be an architect or professional engineer duly registered and authorized to practice such profession in an under the laws of the State of Ohio.

(2) The members of the Architectural Review Board shall be appointed by the Mayor to three (3) year terms ending December 31 of a given year, arranged so that one (1) term of a regular member expires in each year, and so that the terms of alternate members do not expire in the same year. A vacancy in any unexpired term of a member or alternate member shall be filled in the same manner and for the same term as the original appointment. A chair and secretary shall be chosen by and from the regular members of the Architectural Review Board.
(3) In the event of the absence or temporary disability of any regular member, one (1) of the alternate members shall be designated by the Chair of the Architectural Review Board to serve during the temporary absence or disability, so that the number of members, regular and alternate, present and voting at any meeting shall be not less than two (2) nor more than three (3). During such time as the alternate member so serves in the place of a regular member, he shall have the same powers, perform the same duties and receive the same compensation as a regular member.

(4) The Board shall establish a schedule of regular meetings, and procedures for the calling of and giving notice of special meetings. If a proper application for a Zoning Certificate or design plan review, including all required documents is filed, it shall be considered and acted upon at the next regular meeting, unless an extension of time has been agreed to by the applicant or the application is deemed incomplete by the Zoning Administrator. When the application is deemed complete, the Zoning Administrator shall officially accept the application for consideration place it on the Board of Review’s agenda.

(5) All actions by the Architectural Review Board, including approval, approval subject to revisions, deferment for additional information or for a conference with the applicant or disapproval require the affirmative concurring vote of at least two (2) members voting on the action.

(6) A member of the Board shall not participate in the review of any work in which he, his partner or his professional associate has any direct or indirect interest.

(7) Compensation for the services of regular and alternate members, and provisions, if any, for the services of a compensated recording secretary, shall be as from time to time established by ordinance.

(c) **Powers and Duties.** For the purposes of this Development Code, the Design and Construction Board of Review shall have the following powers and duties:

(1) To review and act on all plans and specifications for the construction, alteration or relocation of any building or structure according to the procedures, standards, and criteria stated in this Development Code or in the Charter of the City of Rocky River.

(2) In making its determinations in accordance with the purpose of the Architectural Review Board and acceptable architectural principles, the Architectural Review Board shall have a duty to consider the elements of the application including, but not limited to:

A. Building massing, which shall include the relationship to the view's from the building and the building's scale and relationship to nearby buildings and pedestrian walkways;

B. Window treatment, which shall include the size, shape and materials of the individual window units and the overall harmonious relationship of window openings;

C. Exterior detail and relationships, which shall include all projecting and receding elements including but not limited to, porches and overhangs;

D. Roof shape, which shall include type, form, and materials;
E. Materials, texture and color, which shall include a consideration of material compatibility among various elements of the structure;
F. Compatibility of materials on the exterior;
G. Pedestrian environment, which shall include the provision of features which enhance pedestrian's visual perspective; and,
H. Any other factors necessary to fulfill the purposes of this Development Code and any other design criteria as set forth in this Code.

(3) To assist the City in establishing, if so requested, according to accepted and recognized architectural principles, additional design criteria to be applied in evaluating: the design, use of materials, finished grade lines, dimensions, orientation of all main buildings to be erected, moved, altered, remodeled or repaired, subject to the provisions of the Development Code and other applicable ordinances of the City.

1125.09 BOARD OF ZONING AND BUILDING APPEALS.

(a) Intent. The Board of Zoning and Building Appeals, referred to in the Development Code as the Board of Appeals, established by Article VI of the Charter, to achieve, among others, the following purposes:

(1) To provide an administrative board, independent from all other Municipal boards or commissions, to act in accordance with established procedures to hear and decide appeals as provided in the Charter.
(2) To provide a method for alleviating unnecessary hardship in unique circumstances.
(3) To provide for determinations and decisions which will sustain the constitutionality of the Development Code and be in compliance with the objectives of the plan of the City.

(b) Organization.

(1) The Board of Appeals shall consist of five (5) electors of the City not holding other office, appointment or employment in the government of the City, at least three (3) of whom shall be architects or professional engineers duly licensed or registered in and authorized by the State of Ohio to practice their profession. All members shall be appointed by the Mayor for a term of five (5) years and until their successors are appointed and qualified. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.
(2) The Mayor may remove any member for just cause in connection with the performance or nonperformance of his duties as a member. The absence of any member, for any reason whatever, from five (5) consecutive regular meetings of the Board of Appeals shall be cause for removal of such member by and at the discretion of the Mayor.
(3) The Board of Appeals shall elect at its first regular meeting in each calendar year, from among its members, a chair, a vice-chair and a secretary.

(c) Proceedings.

(1) The Board shall adopt rules necessary to conduct its affairs in keeping with the provisions of the Development Code and of the Charter, and in accordance with hearing proceedings provided by law. Copies of such rules shall at all times be available from the Zoning Administrator for distribution to persons requesting the same.
(k) Any other documents deemed necessary by the Zoning Administrator or the Board of Appeals.

1137.21 SUBMISSION REQUIREMENTS FOR A ZONING AMENDMENT.
Applications for proposed amendments shall contain at least the following information:
(a) The name, address and phone number of the applicant and the property owner if other than the applicant;
(b) A statement of the reason(s) for the proposed amendment;
(c) A statement on the ways in which the proposed amendment relates to the Master Plan;
(d) The payment of the application fee;
(e) Amendments to the Zoning Map adopted as part of this Development Code shall contain the following additional information:
   (1) Legal description of the parcel(s) to be rezoned, drawn by an Ohio registered/licensed surveyor;
   (2) Present use and zoning district;
   (3) Proposed use and zoning district;
   (4) A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;
   (5) A list of all owners of property within, abutting on and directly across the street from the parcel or parcels to be rezoned or redistricted, and in addition, the owners of property which is contiguous to (touches upon) any of the aforesaid property which abuts on or is directly across the street from the parcel or parcels to be rezoned or redistricted, as such addresses appear on the County Auditor's then current tax list or the County Treasurer's mailing list;
   (6) Photographs of the subject property and adjacent properties; and,
   (7) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 250 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon.

1137.23 SUBMISSION REQUIREMENTS FOR REVIEW BY THE DESIGN AND CONSTRUCTION BOARD OF REVIEW.
An application for review by the Design and Construction Board of Review, upon the forms provided, shall be accompanied by the following requirements:
(a) Site Plan: Drawn to scale, showing the lot size, building dimensions, front setback, side and rear setback dimensions, yard dimensions, walks and driveways, accessory structures, downspouts, drains and storm water disposal system. Show existing and proposed grade elevations if topography of lot is irregular or application is for a previously undeveloped lot. Locate patios, air conditioning condensers, swimming pools, retaining walls, fences, porches and other site improvements. Minimum scale: 1 inch equals 20 feet;
(b) Floor Plan: Drawn to scale, showing walls, windows, doors, and floor elevations. Minimum scale: 1/4 inch equals 1 foot;
(c) Foundation or Basement Plan: Drawn to scale, showing walls, windows, vents, doors, and floor elevations;
Submission Requirements

(d) **Exterior Elevations:** Elevations showing each side of the proposed building or addition, drawn to scale, showing downspout connections, chimney height, steps, platforms, etc. Minimum scale: 1/4 inch equals 1 foot;

(e) **Heating Plan:** Drawn to scale, showing the exterior location of all mechanical equipment or solar equipment. Air conditioning condensing unit must be shown on the site plan;

(f) **Photographs.** Photographs of the subject property and adjacent properties; and,

(g) **Sample Building Materials.** Color samples of roofing, siding and/or other exterior materials.

1137.25 **SUBMISSION REQUIREMENTS FOR GENERAL DEVELOPMENT CONCEPT.**

It is the intent of these regulations that the general development concept shall generally indicate overall design of the proposed development project. Information submitted should be comprehensive enough to enable understanding of the existing site and concept for the proposed development. The applicant shall submit the number of copies as determined by the Zoning Administrator. The information submitted should include the following:

(a) **Completed Application Form** along with the application fee.

(b) **Vicinity Map** indicating the location of the site in the city and the general location of principal thoroughfares.

(c) **Regional Context Map.** A map indicating the proposed site and all parcels within 2000 feet in all directions showing the basics of the proposed site layout, all property lines, general location of structures on all parcels, and existing land use on all parcels.

(d) **Map of Existing Conditions** and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:

1. Existing public improvements, permanent facilities, easements and property boundaries;
2. Location of existing structures on the site and abutting properties;
3. Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
4. General topography;
5. Existing zoning district boundaries and jurisdictional boundaries;
6. Surface drainage and areas subject to flooding;
7. Existing public and private utility systems;
8. Regional transportation system.

(e) **The General Development Concept Map,** drawn to scale with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way, and 100 feet of property immediately adjacent to the property boundary, indicating:

1. Depiction of proposed land uses, including open space areas, indicating the approximate acreage by land use, density and type of buildings or dwelling units;
2. The location of any lands to be dedicated to any public agency;
3. The general circulation pattern;
4. The relationship of the proposed project to the surrounding area.
1153.09 HEIGHT REQUIREMENTS.

All buildings and structures in any residential district shall comply with the following height regulations:

(a) The height of principal buildings and structures shall not exceed twenty-five (25) feet.
(b) The height of accessory buildings and structures shall not exceed ten (10) feet, except the height of detached garages shall not exceed fifteen (15) feet.
(c) Permitted height exceptions are set forth in Section 1181.01, Supplementary Height Regulations.

1153.11 DESIGN GUIDELINES FOR ONE AND TWO FAMILY DWELLINGS.

The purpose of the following design guidelines is to further the goals of the City's Master Plan. These guidelines are meant to insure that development projects respect the existing built environment that was recognized and valued in the City's Master Plan.

The provisions of this Section shall apply to all residential development, except Cluster Development, within the R-1 and R-2 Districts. Any addition, remodeling, relocation, or construction requiring review by the Architectural Review Board shall adhere to the guidelines in this Section, where applicable. The Architectural Review Board may exempt applicants from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.

(a) Character of Dwellings. Principal dwellings are to be designed and located on the site and be of a scale to complement buildings in close proximity and enhance the character of the surrounding area by having features that are appropriate and compatible with existing buildings and structures. In making this determination, the following shall be considered:

(1) Building height, width, and general proportions;
(2) Architectural features, including patterns of windows and doors, roof pitch, balconies, porches, shutters, dormers, eaves and other decorative detail;
(3) Building materials.

(b) Explanation Of Terms. Certain terms and words shall be interpreted with regard to the following explanations:

A. Appropriateness. A proposal is judged to be appropriate when it respects the existing architectural style of a building or buildings and fits comfortably within its setting, neighborhood and overall community. This condition applies to landscaping and accessory structures, as well.

B. Compatibility. A design or a material selection is compatible when it does not strongly deviate from its parent building, or the overall character of the neighborhood. To be compatible does not require look alike designs, but rather designs that reflect some aspects of its parent building or buildings in the general vicinity, such as scale of windows, overhangs, building materials, patterns of siding, roof slope. Conversely, incompatibility occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming relative to its neighbors.

C. Proportion. The relationship of parts of a building, landscape, structures, or buildings to each other and to the whole balance.
D. **Proximity.** Proximity shall be considered in terms of the potential for one property, by virtue of its location, to materially affect other properties. In determining a property to be in proximity to another, the following factors shall be considered:
   i. The visibility of both properties from a common point; or,
   ii. The location of both properties within a relatively compact network of streets, walkways, or spaces.

(b) **Facade Articulation.** The articulation of facades and the massing of structures give them richness and scale. Long uninterrupted exterior walls should be avoided. All building walls should have relief to create interest and reduce bulk.

(c) **Roof Articulation.** For sloped roofs, both vertical and horizontal articulation is encouraged. Rooflines should be representative of the design and scale of surrounding dwellings. Roof articulation may be achieved by changes in plane and/or the use of traditional roof forms such as gables, hips, and dormers.

(d) **Materials.** Buildings should not have large expanses of a material on a single plane.

1153.13 PROJECTIONS INTO REQUIRED SETBACKS.

(a) A structural projection is a feature of a building that extends outside the enclosing walls as an integral and functional part of the plane, thus providing form and interest to the exterior design, and connections and protection to exterior spaces. Projections shall, however, be designed and constructed so as not to substantially interfere with the reception of sun, light, and air and the use of adjoining lots.

(b) Every part of a required yard shall be open to the sky and unobstructed except for accessory buildings, as set forth in Section 1153.15. Architectural features, such as chimneys, bay windows, cornices, and sills and hoods and shading devices may project from the principal building not more than two and one-half (2 1/2) feet into any setback. Entrance platforms and other open shelters may project into the front or side setback for a distance of five (5) feet. Unroofed and unenclosed architectural features attached to the principal building, such as platforms, landings, steps, decks or other features, not extending above the first floor level of a dwelling, may extend into the rear setback, provided that such features shall not project more than ten (10) feet into such required setback.

(c) Covered structures such as porches, balconies, platforms, carports, patios, and similar architectural projections shall be considered a part of the principal building to which they are attached and shall not project into the minimum front, side, or rear setback.

(Ord. 71-12. Passed 3-25-13.)

1153.15 ACCESSORY USES AND STRUCTURES.

Accessory uses, buildings, and structures permitted in residential districts shall conform to the location, coverage, area, and maintenance standards contained in this Section and Chapter 1181, General Use Regulations. No accessory building or use shall be established on a lot unless a principal building or use has first been established on the lot in conformance with all applicable provisions of this Development Code.

(a) **Location Requirements for Accessory Uses.** An accessory building or use permitted in a residential district shall be located as set forth in Schedule 1153.15. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this Development Code.