CITY OF BAY VILLAGE, OHIO

NOTICE OF COMMITTEE MEETING

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE

Councilwoman Karen Lieske, Chair
Councilman Marty Mace
Councilman Paul Vincent

Monday, October 2, 2017

6:30 p.m.

Bay Village City Hall
Conference Room

Agenda Items

1. Front end parking update
2. Architectural Board of Review for Residential Properties
3. C.O. 1149 Accessory Structures
MEMORANDUM

TO: Planning, Zoning, Public Buildings and Grounds Committee

DATE: September 29, 2017

FROM: Gary Ebert

Re: ABR Discussion from 1995 and 2006

Attached are minutes from 1995 and 2006 when there was discussion concerning the Architectural Board of Review along with the recent Planning and Zoning Committee minutes from 2017.
Mr. Zwilling stated that the Sidewalk Policy, currently on second reading would be up for final reading on Monday, May 1, 1995.

FINANCE, CONTRACTS & CLAIMS COMMITTEE

Moral Claim, Hanna - A traffic accident which involved the Bay Village Fire Department enroute to Fairview General Hospital was discussed. The right rear lower compartment door of Rescue 11 swung open, striking the driver’s side mirror of a vehicle driven by Tricia Hanna. It was agreed that the City should pay the invoice.

Continental Cablevision, Inc. - A revised Renewal of Franchise with Continental Cablevision, offering a 5 year contract with a 5 year renewal, subject to Continental’s faithful performance of the franchise after its acceptance by the City was discussed and will be voted on at the next Council Meeting.

PLANNING & ZONING COMMITTEE

Architectural Review Board - Mr. Kloepfer said Ord. 95-47 Establishing the ARB will be up for adoption at the next Council Meeting. It was noted that the ARB was originally intended to include the residential and commercial districts of Bay Village. However, to begin with, only the commercial areas will be addressed.

PARKS & RECREATION COMMITTEE

Rates of Compensation for Pool Employees - Recreation Director Weeks distributed a chart with the duties and wages proposed for the Bay Swimming Pool 1995 personnel. There are no substantial increases in wages. Legislation will be prepared amending the previous ordinance regarding rates of compensation for pool employees.

SERVICE, UTILITIES & EQUIPMENT COMMITTEE

Resolution Ratifying Two Trucks for Service Department - These vehicles were included in the budget at the beginning of the year and one will replace a 3/4 ton utility bed truck driven by the mechanics. They were purchased through the Cooperative Purchasing Program and in order to get exactly what we wanted on the vehicles, the City had to submit the purchase orders prior to April 7, 1995. However, the agreements are pending ratification by Council.

Request to Go Out for Bids for L8000 and Super Duty Truck - These were bid out last year but they were not awarded.

Request to Go Out for Bids for Chip and Seal for Park Roads and Parking Lots - Mr. Sears requested permission to go out for bids to repair the roads in the Parks and also the parking lots at the Rosehill, Community House and the Swimming Pool.
June 26, 2000

All C.O. 1131.01 Districts Established - Councilwoman Sutherland explained that this ordinance adds a section for Cluster Development Districts.

All C.O. 1191.02 (a) Adding Cluster Home Parking Spaces - Councilwoman Sutherland explained that this ordinance requires two off-street parking spaces per unit in addition attached garage spaces for cluster homes.

Elman Brough asked Mrs. Sutherland's committee to look at homes that have converted to family rooms and consider a penalty of $1,000.00. Mrs. Sutherland will bring this to her committee.

Plan - Councilwoman Sutherland stated that work went into this plan. By Council voting it by motion will give the City the right to ask for change. Council was asked to read it and acknowledge it. Council was also asked to support and keep it and acknowledge it. Council was also asked to support and keep it. Council was also asked to support and keep it. Council was also asked to support and keep it.

ELLANEOUS

President Martin recognized this evening as the 3rd of the Board of Elections. Mayor Jelespic for commitment to the City. Mayor Jelespic for commitment to the City.

DON PARK TRUSTEES

Cemetery - Representatives from the American Legion and Vietnam Veteran's action were present to discuss the ceremony for the Union Soldier. The ceremony will take place on Monday, July 3, 2000 at 11:00 a.m.

The meeting ended at 9:35 p.m.
November 3, 2006

Mayor Deborah Sutherland
City of Bay Village

Dear Deborah:

On behalf of the Architectural Board of Review, I am submitting in draft form the Architectural Board of Review Design Guidelines that you have been waiting for patiently for several years. The goal of this draft is to solicit comment from you and legal council so that final edits can be made to complete the document.

In regards to Section VIII Building Types you will find that we did not complete the text for this section. After researching over a half dozen other cities design guidelines such as Shaker Heights and Chagrin Falls, we found that these cities did not include language to control the architecture for these building types. The committee feels strongly that Bay Village should be able to control the architecture of the listed building types, especially with respect to Franchise Prototypes, but question if the city has legal grounds to do so.

After you “bless” the final design guideline please submit your edits to Corinne so that the document can be revised. Following the final edits we would like to meet with you to discuss the graphic format of the document. We have reviewed several cities guidelines, and to date the committee likes the graphic format of the Shaker Heights Landmark Commission Design Guidelines. Corinne has a copy of this and can give it to you as well.

If you have any questions or comments please feel free to contact me at home or my office. Again, our apologies for sitting on this for so long, in fact it’s a little embarrassing, especially since we started this project when you were still a member of our ABR.

Sincerely,

David Dickinson, Chairman
Bay Village Architectural Board of Review
CITY OF BAY VILLAGE
ARCHITECTURAL BOARD OF REVIEW

GUIDELINES

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I. CITY OF BAY VILLAGE OVERVIEW

A. EXISTING CITY FABRIC

There are approximately 2,900 acres of property, which is predominantly residential, within the boundaries of the City of Bay Village. The natural setting, including the community's proximity to Lake Erie, the major parkland near the center of town, and the abundance of trees, has made Bay Village an attractive place for people to live.

- **Residential** Bay Village is predominantly a residential community, comprised of approximately 70% of the land use in the community. Housing stock ranges from the century homes of early settlers to the current architectural styles of today.
- **Commercial** Commercial and office use make up approximately 1% of the City's land use and located in two distinct nodes along Dover Center and Wolf Roads. Dover Center Road is the geographic center and the perceived "downtown" of the community because of the concentration of commercial uses and civic institutions including the City Hall, Cahoon Memorial Park, post office, library, schools and shopping centers.
- **Industrial** Industry is virtually non-existent representing less than 0.5% of the City's land use and consist of small industrial uses in close proximity to residually zoned properties.
- **Institutional** Institutional and municipal growth is on the rise, because of construction or expansion of schools, churches and civic buildings but represents a small percentage of the land use; less than 1%.
- **Recreational** Recreation is the second largest land use in the community and is a cherished amenity. The Cleveland Metroparks Reservation and Cahoon Memorial Park are contiguous and produce a major open space with lakeside access in the center of the community.
- **Vacant Land** Less than 2% undeveloped land remains within the City as of the year 2000.

B. COMMUNITY GOALS FOR DEVELOPMENT

The following goals presented are broad statements indicating a general direction the City would like to achieve when considering future development:

- **Maintain** the "small town" feel of the community.
- **Preserve** the overall character of the community of single family residential homes on quiet, tree-lined streets
- **Provide** housing options that allow residents to remain in the community as they continue to age.
• Ensure that new development complements the existing City fabric.
• Preserve and protect the community's historic resources.
• Recognize the importance that trees contribute to the City's character.
• Strengthen the perception of the Dover Center/Wolf Road areas as the center or "downtown" of the community.
• Expand existing commercial establishments, and then attract new development to balance and maintain the economic growth of the City.
• Improve the aesthetic appearance of the City's retail areas.
• Improve the mix of retail to better provide for the convenience and dining needs of the community.
• Encourage improvements, which persuade owners to re-invest in their property.

II. GENERAL GUIDELINE INFORMATION

A. PURPOSE

The Architectural Design Standards have been adopted by the City of Bay Village to provide a consistent set of standards from which to assess the construction and improvements of commercial buildings. The intent of these standards is to preserve the high quality character of the community, protect the adjacent residential neighborhoods, and to preserve a viable commercial district. These Standards recognize that improving the existing commercial building stock and the attraction of new development are critical to a balanced growth and to the economic health of the City.

B. PRINCIPLES

These principles are a summary of values that the City of Bay Village has found to be important in preserving the high quality character of the community and attractive viable commercial district. The Architectural Board of Review uses these six (6) principles as framework for making decisions.

1. Maintain a high level of architectural quality. Architectural quality does not refer to a specific architectural style or personal preference, but to a visually pleasing composition, sensitive use of materials and to design integrity.

2. New buildings and improvements to existing buildings shall respect the existing context and framework. The design of any building shall be reviewed in reference to its site and the character of its surroundings.

3. Improve the aesthetic appearance of the City's commercial areas. The aging commercial building stock need upgrades and improvements to the building facades to create more coherency and uniformity to the commercial districts in which they are located.

City of Bay Village
Architectural Board of Review
Guidelines
11/3/2006
4. **Strengthen the perception of the Dover Center/Wolf Road area as the "Town Center" of Bay Village.** This area houses the majority of the commercial buildings in Bay Village and is considered the Town Center of Bay Village.

5. **The site plan and building shall respect the land and the environment in which they are placed.** An attractive City takes advantage of its natural surroundings. Buildings shall be sited to minimize re-grading and to take advantage of natural features.

6. **Design sensitivity with architecturally significant buildings.** Historic buildings are tangible evidence of the City of Bay Village history and culture and need special attention to their survival.

C. **PROCEDURES**

Without limiting the discretion of the Architectural Board of Review to make judgments rendered in accordance with these Principles, in no case shall the applicant be required to revise the proposed project, that are not supported by these Principles. The Architectural Board of Review may offer additional advice and suggestions, at its discretion; however, such advice shall be clearly stated as such. The Architectural Board of Review may waive any requirements of these Principles in order to approve the proposed project if the Architectural Board of Review finds that the project is consistent with the above Principles and meets the following condition:

1. Exceptional and unique conditions exist that create a practical difficulty to complying with these Principles, such as an unusual program requirement or a unique site circumstance.

D. **GLOSSARY OF TERMS**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Arch</td>
<td>The curved or pointed top on a door or open entryway. Arches come in many different shapes and styles.</td>
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<tr>
<td>Atrium</td>
<td>An inner courtyard of a home or other building that is open to the sky or covered by a skylight.</td>
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<td>Awning</td>
<td>A fabric covering stretched over a rigid frame to protect a window, door or opening from the elements.</td>
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<tr>
<td>Balcony</td>
<td>A platform projecting from a wall, enclosed by a railing or balustrade, supported on brackets or cantilevered out.</td>
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<tr>
<td>Baluster</td>
<td>A short post or pillar in a series that supports a rail, thus forming a balustrade. May be curved or straight.</td>
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<tr>
<td>Bay Windows</td>
<td>These windows project out from the front or side of a building with angled projections that rise up from the ground on the first floor.</td>
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<tr>
<td>Bracket</td>
<td>A small supporting piece of wood or stone, often formed on scrolls or other decorative shapes, designed to bear a projected weight, such as a window.</td>
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<tr>
<td><strong>Building Setback</strong></td>
<td>A site specific line determined by the building codes and constraints, which defines the outmost edge of new construction in any given direction.</td>
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<tr>
<td><strong>Canopy</strong></td>
<td>A projection or hood over a door, window, niche, etc.</td>
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<td><strong>Cantilever</strong></td>
<td>A horizontal projection from a building, such as a step, balcony, beam, or canopy, that is without external bracing and appears to be self-supporting.</td>
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<tr>
<td><strong>Capital</strong></td>
<td>The head or crowning feature of a column.</td>
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<tr>
<td><strong>Casement Window</strong></td>
<td>A metal or wooden window that opens outward or inward.</td>
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<tr>
<td><strong>Cladding</strong></td>
<td>Material used as surface sheathing.</td>
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<tr>
<td><strong>Clapboard</strong></td>
<td>Overlapping horizontal boards that cover the timber-framed wall of a building.</td>
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<tr>
<td><strong>Clerestory Window</strong></td>
<td>A window (usually narrow) placed in the upper walls of a room, usually at an angle, to provide extra light.</td>
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<tr>
<td><strong>Cornice</strong></td>
<td>Any projecting ornamental molding that finishes or crowns the top of a building, wall, arch, etc.</td>
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<tr>
<td><strong>Cupola</strong></td>
<td>A dome, especially a small dome on a circular or polygonal base crowning a roof or turret.</td>
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<tr>
<td><strong>Dome</strong></td>
<td>An arched roof or ceiling of even curvature erected on a circular or square base. Domes can be segmented, semicircular, pointed or bulbous. Often decorated with stained or painted glass. Adds light, color and drama to a room or foyer.</td>
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<tr>
<td><strong>Dormer Window</strong></td>
<td>A window placed vertically in a sloping roof that has a tiny roof of its own.</td>
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<tr>
<td><strong>Eaves</strong></td>
<td>The under part of a sloping roof overhanging a wall.</td>
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<td><strong>Façade</strong></td>
<td>The exterior face of a building, which is the architectural front.</td>
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<td><strong>Fascia</strong></td>
<td>A horizontal piece (such as a board) covering the joint between the top of a wall and the projecting eaves; also called fascia board.</td>
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<tr>
<td><strong>Frieze</strong></td>
<td>A decorated band along the upper part of an exterior wall.</td>
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<tr>
<td><strong>Gable</strong></td>
<td>The triangular upper portion of a wall at the end of a pitched roof. It typically has straight sides, but there are many variations.</td>
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<tr>
<td><strong>Gambrel Roof</strong></td>
<td>A roof with one low, steep slope and an upper, less steep one on each of its two sides, giving the look of a traditional American hay barn.</td>
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<tr>
<td><strong>Ganged Windows</strong></td>
<td>Individual windows laced closely side by side to create a horizontal strip opening.</td>
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<tr>
<td><strong>Gazebo</strong></td>
<td>A small lookout building or the porch or roof of a building.</td>
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<tr>
<td><strong>Gutter</strong></td>
<td>A trough attached to the edge of a roof to collect and conduct water from rain or melting snow.</td>
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<tr>
<td><strong>Hipped Roof</strong></td>
<td>A roof with sloped instead of vertical ends.</td>
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<tr>
<td><strong>Lintel</strong></td>
<td>A horizontal beam or stone bridging an opening, most often a door.</td>
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<tr>
<td><strong>Mansard Roof</strong></td>
<td>This roof is flat on top, sloping steeply down on all four sides, thus appearing to sheath the entire top story of a building.</td>
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<td>Term</td>
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<tr>
<td>Mullion</td>
<td>A vertical post or other upright that divides a window or other opening into two or more panes.</td>
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<tr>
<td>Muntin</td>
<td>A secondary framing member to hold glass within a window or glazed door.</td>
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<tr>
<td>Niche</td>
<td>A windowless recess in an exterior wall.</td>
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<tr>
<td>Palladian Window</td>
<td>A window with three openings, the central one arched and wider than the others.</td>
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<tr>
<td>Parapet</td>
<td>The portion of the wall extending entirely above the wall.</td>
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<tr>
<td>Pediment</td>
<td>In classical architecture, a low-pitched gable above a portico; also a similar feature above doors. It may be straight or curved, “broken” in the center, or solid.</td>
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<tr>
<td>Penthouse</td>
<td>A separately roofed structure on the top of a tall building.</td>
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<tr>
<td>Pilaster</td>
<td>A shallow pier or a rectangular column projecting only slightly from a wall. Primarily decorative.</td>
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<tr>
<td>Porch</td>
<td>The roofed entrance to a building.</td>
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<tr>
<td>Porte-cochere</td>
<td>A roofed structure extending from the side or front entrance of a building over an adjacent driveway to shelter those getting in or out of vehicles.</td>
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<tr>
<td>Punched Opening</td>
<td>Single doors or windows set in a structure, as opposed to ganged windows.</td>
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<tr>
<td>Quoins</td>
<td>The dressed stones at the corner of buildings, usually laid so their faces are alternately large and small. Usually in contrasting color of brick from the rest of the wall.</td>
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<tr>
<td>Reveal</td>
<td>A change in the depth of materials used on a planer surface, causing a shadow line or light on the building façade.</td>
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<tr>
<td>Shutters</td>
<td>Window or door screens featuring horizontal slats that may be articulated, allowing control over air and light transmission. They are usually made of wood. While they may be hinged, modern exterior shutters are often decorative and remain fixed to the wall alongside the window or door opening.</td>
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<tr>
<td>Side Light</td>
<td>A framed area of fixed glass alongside a door or window opening.</td>
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<tr>
<td>Sill</td>
<td>The lower horizontal part of a window frame. Materials very widely, from wood to marble.</td>
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<tr>
<td>Skylight</td>
<td>A window set into a roof or ceiling to provide extra lighting. Sizes, shapes, and placement vary widely.</td>
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<tr>
<td>Soffit</td>
<td>The underside of an arch, roof overhang, or ceiling.</td>
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<tr>
<td>Stepped</td>
<td>To set back in layers, as in the manner of steps.</td>
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<tr>
<td>Stucco</td>
<td>A sturdy type of plaster used on exterior walls; often spread in a decorative pattern.</td>
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<tr>
<td>Transom</td>
<td>Small, usually rectangular or fanlight window over a door.</td>
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<tr>
<td>Trim</td>
<td>The framing or edging of openings and other features on the façade of a building.</td>
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<tr>
<td>Turret</td>
<td>A very small, slender tower.</td>
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E. SUBMISSION REQUIREMENTS

The following information must be submitted to evaluate the design twelve (12) calendar days prior to the scheduled public meeting of the Architectural Board of Review. The Architectural Board of Review meetings are regularly scheduled on the first and third Wednesdays of each month.

1. DRAWINGS: Submit nine (9) copies of the following documents, drawn to scale:

   a) Site Plan: Locating all building, building setback lines, pavement areas, planting areas, existing and proposed tree locations, utility poles, lighting poles, trash containers enclosures and the location of and distance to buildings on the adjacent properties.

   1. Site plan shall be drawn to scale no less than 1\'=30\'-0"

   b) Elevations: Front, all sides and rear.

   1. Exterior building elevations shall include dimensioned drawings a minimum of 1/8 inch per foot indicating finished grade, building height, window and door composition, roof systems, proposed building signage design of visual barriers required for dumpsters and rooftop equipment.

   2. A colored rendering of the principal exterior building elevation.

2. PHOTOGRAPHS:

   a) Clear color photos of any existing buildings, site features and adjoining properties indicating the context of the building improvement, addition or new construction.

3. MATERIAL SAMPLES:

   a) Samples of all exterior materials exposed to view to be used on the project, including but not limited to masonry, roofing, trim, fascia, windows, doors, visual barriers, light fixtures, awning, fencing and signage. Material samples shall include manufacturers exact color and reference numbers, with photographic brochures.

4. LANDSCAPE MATERIALS:

   a) The site plan shall show the location, type and size of all existing and proposed new plant materials. Plants shall be identified as to species and anticipated size at maturity.

5. SIGN PERMIT APPLICATIONS:

   a.) Refer to Chapter 1179 Sign Regulations
III. SITE PLANNING

A. SITE IMPROVEMENTS

The goal is to encourage site improvements that blend with their natural setting and adjacent properties.

1. Arbors and trellises that support plants or vines as a landscape feature are examples of site improvements that blend with their natural setting. Brick or cut stone is preferable to concrete or asphalt in laying walks. Benches, waste cans, planter, etc., shall be designed and placed appropriately. They shall be of commercial grade materials and construction that complement other existing site features.

2. Air conditioning units, satellite dishes, and other mechanical structures should be located according to code and well landscaped so they do not become intrusive features of a landscape.

3. Gravel lots and driveways should not be permitted under any circumstances. Excessive use of lawn ornaments (plywood cut outs, sculptures, etc.) is strongly discouraged in front yards. Avoid over using railroad ties as a landscape feature as well as any feature that may not fit well with its surroundings.

B. LANDSCAPING

1. One of the key factors that can improve and enhance the commercial district is landscaping. The Architectural Board of Review will require detailed site plans to consider in relation to signage, drives, parking and other building features.

2. Important landscape features should be respected when planning additions or new structures. Consideration should be given to avoid removal of existing trees and other landscape material.

3. The use of a variety of specimen trees should be planted to vary the maturation rate and prevent the devastation of a single species due to disease.

4. Specimen trees may include varieties of beech, ash, ornamentals, oaks, and maples and must be consistent with the Street Tree Plan of the City of Bay Village.

5. Rear yard/entry landscaping is highly desirable. Plantings and ground cover materials shall compliment the overall landscape plan.

6. Removal of healthy, mature trees are strongly discouraged. Excessive use of mulch, crushed stone, railroad ties, and similar materials are discouraged.
C. FENCING

Fencing shall be sensitively designed to complement the building and the adjacent properties.

1. Wrought iron, brick, dry laid stone, wood picket, and split rail are among the preferred types of fencing.

2. The use of chain link fencing is strongly discouraged.

3. Privacy fences, constructed of vertical board, nailed side by side on parallel stringers, are suggested for rear yard.

D. PARKING LOTS

Parking shall be provided for in commercial developments within the City, which does not negatively impact the neighboring properties or communities.

1. It is desirable to provide landscaping that softens the amount of paved area and to screen automobiles from view.

E. SIDEWALKS

Pedestrian access should provide a safe means of access for those arriving by automobile, bicycle or on foot.

1. Concrete, brick or stone pavers set on a concrete base are acceptable. Crushed stone, pavers set on an earthen base or asphalt are not acceptable.

2. The material used must be consistent within the site and shall be adequately illuminated.

F. DUMPSTER ENCLOSURES

Service areas for loading, unloading and for dumpsters shall be located to minimize the visual and noise impact on adjacent properties. The areas should be screened with landscaping, berms, fencing, etc.

1. Dumpsters shall be enclosed with materials consistent with the building materials. Brick or weather resistant wood if compatible with the main building is acceptable.

G. EXTERIOR LIGHTING

Exterior lighting shall provide safety and security around the building, identify key building elements including building name, address, entry and local points and shall be of consistent design, in character with the building.
1. Exterior lighting shall be as low as possible and shielded to protect nearby residential areas from glare.

2. Multiple low wattage light sources are preferred rather than high intensity overhead lighting.

IV. BUILDING MATERIAL AND FEATURES

Incorporated vernacular materials and features can help the design of new or renovated buildings be compatible with its surrounding. These Design Guidelines are based on a study of materials and features used historically in Bay Village. The substitutions of compatible new materials suggested herein are offered as preferred alternatives.

A. FOUNDATIONS

1. Foundations are to be constructed of structurally designed masonry or poured concrete. The proper use of stone veneer, brick, or textured concrete on new foundations is encouraged.

2. The use of stucco, artificial stone, or synthetic brick is discouraged. Exposed asphalt that is exposed is not acceptable, all exposed damproofing or waterproofing above grade is not acceptable. All concrete masonry units above grade shall be parged with a cementitious material.

B. EXTERIOR WALLS

1. New construction can best blend into its community surroundings by using real wood siding. Historically four-inch clapboards (or slight variations thereof) are preferred. Other acceptable wood siding applications are beaded clapboards and horizontal tongue-and-groove siding.

2. Repairing or preserving original wood siding is preferred over replacement aluminum or vinyl siding. Replaced siding that matches the original in appearance, material and workmanship is appropriate. When siding is applied, all architectural detailing should be retained.

3. Brick, split face concrete block, and stone are acceptable building materials when properly sized and colored to its surrounding environment.

4. When using brick, split face concrete block and stone, it is important to preserve at least the illusion of it's being a solid wall rather than a single course or brick veneered to a stud wall.

5. The concept of having the street façade constructed with a masonry veneer and the other walls constructed of wood siding is generally discouraged.

6. The use of exterior finish insulation systems (EIFS) is discouraged.
C. ROOFS

1. Roofs are usually a defining visual feature of a building. It is strongly encouraged that all buildings be designed with gabled, hipped or gambrel roofs with a minimum roof pitch of 4/12. Steeper pitches are preferable. Flat roofs are discouraged.

2. The roof shall be in scale and proportion to the overall massing of the building.

3. Careful consideration shall be given to the appropriate roofing material including color, detail and texture.

D. GUTTERS AND DOWNSPOUTS

1. It is desirable to retain built-in or concealed gutter systems, especially where they are part of prominent architectural feature. It is important to have functioning gutter system, but care should be taken to ensure the system is architecturally compatible with the structure.

E. WINDOWS AND DOORS

1. Windows and doors are important visual elements of commercial structures. The type, placement, and composition shall be compatible with the architectural style of the building.

2. Wood, aluminum clad and vinyl clad windows are acceptable. The use of solid vinyl windows and doors are discouraged.

3. Preservation of original wood windows and doors in historically significant buildings is strongly encouraged or replace with aluminum panning systems that replicates the detail and profile.

F. ARCHITECTURAL DETAILS

The applicant shall recognize that architectural details can either enhance or detract from a building's aesthetics. Architectural details can be described as individual and collective construction elements that give character to a structure that include but not necessarily limited to; architectural trim, fascias, railings, shutters, porches, steps, columns, cupolas, etc.

1. Architectural details should be appropriate for the style of building. Building design features such as materials, colors, textures, size, scale and proportion should all be designed in accordance to the design style of the structure.

2. Incorporating architectural details of adjacent buildings shall be considered to maintain harmony and consistency of the architecture of the community.
V. NON-BUILDING DESIGN ELEMENTS

A. UTILITIES AND EQUIPMENT

Mechanical equipment, communications, dumpsters, pad mounted transformers, and heating and ventilating equipment are often times a necessity for businesses today. In general, equipment shall be screened with visually appealing architectural elements.

B. GROUND EQUIPMENT

These elements shall be screened by fencing or landscaping. Shrubbery can often effectively conceal ground equipment from direct view. In some instances, constructing attractive fencing can also camouflage such features.

C. ROOF EQUIPMENT

Heating and ventilating equipment, satellite dishes, and other mechanical equipment shall be set back from the face of the building to minimize site lines or screened from the front and side view such that they do not become intrusive features of the building.

D. BUILDING UTILITIES

Avoid cutting duct or vent penetrations through exposed walls or roof areas that are publicly visible. Utility company wiring is increasingly an issue on the exterior of the buildings. Often telephone company, cable television service and electrical service will run such lines along a building's veneer. With careful planning, these services can be run inconspicuously.

VI. APPLIED EXTERIOR ELEMENTS

Refer to Chapter 1179 Sign Regulations

VII. EXTERIOR PAINT COLORS

In general, the use of color shall be harmonious with the color schemes of neighboring buildings. In general, subdued hues are preferable. Bright, harsh colors should be generally avoided.
VIII. BUILDING TYPES

A. GAS AND SERVICE STATIONS

1. Service stations are typically the least attractive features in most communities. They need to be present to address the residents' needs but there are ways to making these facilities more attractive. Gas stations can become good neighbors through appropriate design, placement, landscaping, signage, proportioning, and use of appropriate building materials.

2. Refuse containers, loose refuse, salable items, inventory, mechanical systems, oil recycling equipment and similar clutter must be housed within the service station building or screened from view in a manner acceptable by the Architectural Board of Review.

3. Overhead canopies should be given greater attention than has been customary. They are all too often treated as advertisement signs. Adding an appropriate fascia can soften the negative impact of such features. Care must be taken to avoid an excessively ambitious color scheme or an inappropriate design. Some stations have used canopies that have hipped or gabled roofs rather than flat roofs with fascia edges. This can work, provided that massing does not become excessively heavy or poorly proportioned.

4. The use of real brick or stone facing on a service station is recommended. Real wood trim with proper detailing and proportioning is also recommended.

5. The often objectionable aspects of service station include: Large paved areas without adequate landscaping; overhead garage doors facing onto the street, large and highly conspicuous signs, bulky, overhead canopies, and excessive level of night lighting that is often distracting to the neighborhood.

6. Facing materials such as Panel 15, T-111 siding and aluminum-faced plywood or other types of synthetic materials, including vinyl and aluminum are not desirable.

B. FRANCHISE PROTOTYPES

C. MUNICIPAL/PUBLIC BUILDINGS

D. CHURCHES

City of Bay Village
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Guidelines
11/3/2006

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IX. APPENDIX

A. PREFACE AND INTRODUCTION

Bay Village is a mature community. As the City redevelops itself, nearly all changes will occur within the context of its built environment. The City no longer has sufficient vacant land available at a low enough price to generate any significant new commercial development. Further, there seems to be general agreement that the City's commercial areas do not reflect the much higher quality of its residential neighborhoods.

In 1992, the Metro 1 Design Group was retained by the City of Bay Village Planning Commission to research and analyze the desirability of creating an Architectural Board of Review. The Architectural Board of Review would review all building permit applications involving new construction, as well as any proposal that would significantly alter an existing structure. Although the City has, in the past, had an informal design review process, Bay Village was virtually the only community in the West Shore area not to have a formalized review process linked to the issuance of a building permit. Formal interest in the creation of a Bay Village Architectural Board of Review originated in the City's Planning Commission and was based on a number of key concerns. These were:

- The City's small commercial areas, though functional and, in general, serving the community, were severe and uninspiring in appearance, reflecting poorly upon the genuinely fine character of the surrounding districts.
- The Planning Commission was often called upon to make judgments regarding the impact of the design of submissions on the City and nearby commercial and residential properties, extending itself well beyond its legal regulatory authority.
- Lacking a formalized design review procedure, there was little consistency in the quality of submissions to the Planning Commission, which, in turn, often required the Planning Commission to make design decisions based upon very incomplete proposals.
- The City's housing stock averages between 45 and 55 years old and is increasingly subject to renovation as tastes and housing needs change. Without appropriate design controls, the quality of the City's housing stock could be compromised through haphazard and poorly thought out modifications.
- The construction of a number of dominating, out-of-scale homes along Lake Road, which architecturally dwarfed their neighbors.
As Bay Village looks to upgrade its commercial building stock, a number of key design issues must be addressed. Since the City’s Architectural Board of Review will play a key role in determining the quality of these renovations, the following design standards are proposed to serve as a guide in evaluating projects, which come under its scrutiny.

Cities, like individuals, tend to get what they ask for and define themselves through the standards they set. The design standards outlined in this booklet are consistent in scope with those in many other cities and should not be viewed as another bureaucratic obstacle. Rather, they represent an attempt by the City to maintain harmony within the existing architectural fabric. By setting down simple and reasonable submission requirements, commercial applicants will be required to think through their projects a bit more thoroughly and offer the Building Director, the Architectural Board of Review, and the Planning Commission a project plan which can be thoroughly analyzed. The result will be better plans and better projects.

B. SOCIAL AND DEVELOPMENTAL HISTORY

The many fine contemporary homes, new subdivisions, and fully developed suburban character of Bay Village masks a history which dates back to the very early part of the nineteenth century when the first settlers moving into the Connecticut Firelands of the Western Reserve shared the land with indigenous Indian tribes and the occasional French trapper moving his goods from the interior to ports further east along the Great Lakes. Although some of the early settlers had emigrated directly from Europe, most were farmers and tradesmen from Connecticut and other parts of New England eager to trade the rocky difficult soil of the eastern seaboard states for the rich soils of northern Ohio. Dover Township, from which Bay Village was carved, took its name from Dover Township in Connecticut, which, in turn, was named after Dover, England. This early history can still be seen in the New England style architecture of the twenty odd Century homes to be found in the City. Many of the City’s streets bear the names of these settlers from New England to carve a new way of life out of the forests of the Western Reserve.

The first white settler to arrive in Dover Township was Joseph Cahoon, who migrated with his family from Vergennes, Vermont. He and his family arrived on October 10, 1810 and staked out the farmland along what is now Lake Road near the mouth of Cahoon Creek. Cahoon Park and Cahoon Road bear the family name. The Cahoon family farmhouse (Rose Hill) still stands on the west bank of Cahoon Creek and now houses the Bay Village Historical Society.
Other settlers soon followed. These included the Nathan Basset, Rueben Osborn, and Noah Crocker families, arriving the following year in 1811. Family records show that these early settlers could hear the sounds of Commodore Perry’s guns during the naval engagements with the British near Kelly’s Island during the War of 1812. With the successful conclusion of the war with the British more settlers began pouring into the Western Reserve communities of northern Ohio. Thomas Foote, Sylvanus Phinney, Bernard Case, Henry and Josher Taylor, Jesse Lilly, and John Smith arrived in Dover Township in 1815. The first sawmill was built in 1811; the first tavern in 1813. In 1817 the first frame house was built in the Township. In 1818, the Joseph Cahoon house at 27715 Lake Road (now Rose Hill Museum) was erected.

By 1826 there had been considerable migration into Dover Township. Comparatively “settled” by the standards of the day, there were seventy households and five school districts in the Township. The opening of the Erie Canal and the Ohio–Erie Canal in 1827 permitted settlers to come in the relative comfort of the canal boats as far as Buffalo to the east and Akron and Cleveland to the southeast. From these points it was a relatively easy trip by either boat or wagon train to the new townships of the Western Reserve and the rapidly growing City of Cleveland. In the twenty year period from the first settlement by the Cahoon family to the 1830’s, Dover Township and the rest of the Western Reserve was rapidly transformed from heavy forest land to gently rolling farmland supporting a range of crops from corn to fruit orchards. The geography of Dover Township, with its rich soil, cool wet springs and long summers tempered by Lake Erie made the land especially good for fruit growing and created nearly continuous belt of fruit farms stretching from Lakewood to the Sandusky Bay. Fruit orchards can still be found in abundance just to the west in the Cities of Avon and Avon Lake.

As the country in general, and Cleveland in particular, began moving towards a more industrialized society, the farmers of Dover Township continued to prosper providing meats and fresh groceries to city dwellers in Cleveland. The routes along Lake Avenue, Detroit Road, and Lorain Avenue were once dotted with small taverns and feed houses, which serviced farmers hauling their goods to market in downtown Cleveland. Few of these taverns survive today. With the revolutionary changes brought by the Civil War, the settlement period of Dover Township came to an end. Cleveland emerged from the Civil War as one of the pre-eminent industrial cities in America, experiencing a boom in population growth that would not end until well after World War II. The monumental changes in the urban giant to the east brought subtle changes to the now settled rural life in Dover Township. The extension of rail service in 1882 along the lakeshore opened new markets to farmers along with weekend visitors seeking relief from the busy and sometimes gritty urban environment in Cleveland. Although still largely a rural farming community, the lakeshore of Dover Township offered cool clear summer breezes off the lake, fine beaches, and excellent fishing. A number
of wealthy Clevelanders began building summer cottages as well as large permanent homes like the Washington H. Lawrence mansion at 23200 Lake Road (now the main building for the Cashelmara Condominiums).

In 1897 opening of the Lakeshore Electrical Interurban Railway, which ran from downtown Cleveland to Lorain made the trip from Cleveland to the Hamlet of Bay Village direct, simple, and cheap. Not surprisingly, many of the regular weekend visitors to the Dover station were soon buying land and building summer cottages along the lakeshore. Many of these summer cottages were later converted to year round swellings and can still be seen throughout Bay Village. In 1903 the Hamlet of Bay Village made application to the State of Ohio to be incorporated as a Village under Ohio law. In April of 1903 the Village elected its first mayor and city council. Many of those elected were direct descendants of the founding settlers. Reuben Osborn was elected Village Mayor, William Aldrich, Clerk, and J. Currier, Treasurer. Council members included familiar names like Foote, Wischmeyer, Osborn, Meilander, Sadler, and Mathews.

The outbreak of war in Europe in August, 1914 brought with it the last period of agricultural boom to Bay Village. With virtually every European nation at war and men being drawn from the farm to serve on the front there was a huge demand for foodstuffs from the still pacific United States. Nearly every acre of arable soil was placed into production. With factory orders rising and demand for labor high, cities like Cleveland drew more and more manpower off the farms and brought the country to nearly full industrialization. Bay Village farms with their good soil prospered. Every acre that could be bought or rented went under the plow. When the United States entered World War I in 1917, the demand for foodstuffs skyrocketed. In 1919 World War I ended. Within a few years, European farming was able to recover. By the middle twenties, the boom had led to bust, beginning the great agricultural depression, which would not end until World War II. Many Bay Village farmers were forced to sell off land to pay debts and the first of many suburban subdivisions began appearing on Bay Village Plat maps.

Agricultural depression aside, the Twenties were prosperous years that popularized among other things, the automobile. Bay Village was now a short commute by auto from Lakewood to downtown Cleveland. With access now easy, more and more farmland was turned into solid middle-class housing. Many of the City's finest homes were built in the 20's and 30's. Popular styles during this period were Tudor Revival, Colonial Revival, and the Craftsman Bungalow. Many fine examples of these styles can be found throughout the City. During World War II new home construction all but ceased. The 25-year building boon, which followed World War II, shaped the Bay Village we see today. GI's returning home from the war and anxious to start new families created an unprecedented demand for new housing. It seemed impossible to build houses quickly enough to satisfy demand. The many postwar bungalows, Cape Cods, and ranch homes
found all over the City are a legacy of this period. By 1970 the City’s population peaked at 18,163 and Bay Village was all but fully developed. New construction in the City is now limited to either scattered site housing, or, in a limited number of cases, demolition of old housing for new.

Like most suburbs in the region, Bay Village has gone through many periods of development. Each development period has left an architectural legacy; legacies well worth preserving.

Note: Much of the information found in Social and Development history of Bay Village was drawn from Bay Village: A Way Of Life, which was written and published by the Bay Village Historical Society. Published in 1974, this book serves as an invaluable guide to anyone interested in the history of not only Dover Township, but the entire Western Reserve settlement period.
Minutes of a Meeting of
ARCHITECTURAL BOARD OF REVIEW
July 26, 2017

Members Present:   Mark Chernisky
                   Greg Ernst
                   Tom Sedlak

Excused:           Kevin Krol
                   Paul Vincent

Also present: Jeff Grassi, Chief Building Official of SAFEbuilt, Inc., Debbie Partyka, Henrietta Partyka, Dennis Partyka, D. Neris and Sunny Patel.

Chairman Ernst called the meeting to order at 7:34 p.m.

Mr. Ernst called for the approval of minutes for the meeting of the Architectural Board of Review held July 12, 2017.

Motion by Chernisky, second by Sedlak, to approve the minutes of the meeting held July 12, 2017 as prepared and distributed. Motion carried 3 yeas, 0 nays.

Chester Partyka
27340 W. Oviatt Road
Installation of channel letter sign and reface of existing pole sign.
(Convenient changing name to Bay Food Mart)

Mr. Ernst asked if there were any additional comments regarding the proposed sign for Bay Food Mart.

Mr. Neris, with Bnext Awning & Graphic, explained that they are proposing a new channel letter sign. Also, they would also like to reface the existing pole sign. He explained the following:

- Channel Letter Sign
- Tear down and replace existing cabinet
- Reface existing 2 sided pole sign.
- The pole will be painted white
- Existing brackets to be used for mounting
- LED Lighting
- The letters of the sign will be one not individual letters
- There will be no raceway because of the LED Lighting
- The colors of the signs will be white, dark blue and red vinyl
Architectural Board of Review
July 26, 2017

Mr. Ernst asked if the square footage is within the existing foot print of the existing sign. Mr. Grassi noted that the new sign fits into the footprint of the old sign. He also noted that the allowed elevation is 16 feet and the proposed sign is 10.5 feet therefore they are within the elevation limits.

Motion by Chernisky, second by Sedlak to approve the new sign for Bay Food Mart as submitted with the addition of painting the pole white.

Roll Call Vote:    Yeas- Chernisky, Ernst, Sedlak
                 Nays- None

Motion carried 3-0.

There being no further business to discuss, the meeting adjourned at 7:41 p.m.

Greg Ernst, Chairman

Kristine Jones, Secretary
AN ORDINANCE
AMENDING C.O. CHAPTER 1148 REGARDING THE ARCHITECTURAL BOARD OF REVIEW AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1148 which presently reads as follows:

"CHAPTER 1148
ARCHITECTURAL BOARD OF REVIEW

1148.01 INTENT

The purpose of the Architectural Board of Review is to protect the value, appearance, and use of all property, except residential and family and group homes, on which buildings are constructed or altered, to maintain a high character of community development, to protect the public health, safety, convenience, and welfare, and to protect real estate within the City from impairment or destruction of value. The Architectural Board of Review shall assist and advise the Planning Commission on the design, amenities, quality, relationships to natural features and other aspects of building and site development plans which relate to the appearance of an entire project, all of its parts and its surroundings. All standards, regulations and criteria contained in this Zoning Code, which pertain to all property, except residential and family and group homes, shall be considered by the Architectural Review Board in its review.

1148.02 ESTABLISHMENT; COMPOSITION.

There is hereby established an Architectural Board of Review consisting of the following five members, all residents of the City, appointed by the Mayor with confirmation by a majority of the members of Council provided for in the Charter, and a member of Council appointed by Council.

A. Two (2) architects duly authorized and registered to practice architecture in and under the laws of the State of Ohio, and shall have been actively engaged in general practice of architecture as a registered architect in the State of Ohio for a period of not less than ten years prior to their appointment to the Board, and shall have been a resident of this City for not less than three years prior to their appointment to the Board. Council may waive the residence requirement provided herein.

B. Two (2) non-architect members that have been a resident of this City for not less than three years prior to their appointment to the Board.

C. One member of Council appointed by Council.
D. A majority of the Board shall constitute a quorum to do business, but any decision made by the Board of matters before it upon which it is required to pass under the provisions of this code shall require a majority vote of all members appointed to and serving on the Board and present at the meeting when such decision is made.

E. Each member shall be appointed by the Mayor with confirmation by a majority of the members of Council, for the following terms:


2. One member for a term expiring December 31, 1996.

3. Subsequent appointments to the Board shall be for terms of three years each. Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointments and confirmations. Appointments of alternate members shall be made by the Mayor with confirmation by a majority of the members of Council, for a term of three years each.

F. No member of the Board shall participate in the review of any work of which he/she or any partner or professional associate is the author, or in which he/she or they have any direct or indirect financial interest. If such an occasion should arise, the member so restrained shall yield his/her place to an alternate member.

G. Council shall review the effectiveness of the Architectural Board of Review three years after establishment to determine if this Board is a viable contributing body to the City.

1148.03 MEETINGS

The Planning Commission shall determine and advise the Architectural Board of Review on the schedule of meetings in order that applications can be processed expeditiously.

1148.04 ARCHITECTURAL BOARD OF REVIEW TO ADVISE

After receipt of a complete submission of an application, the Planning Commission may refer all proposed commercial site development and building plans filed with it to the Architectural Board of review for purposes of review and report.
1148.05 REVIEW OF BUILDING PERMIT APPLICATIONS

A. Submission of Applications. All applications for building permits for exterior construction or reconstruction of commercial buildings, with accompanying drawings, renderings, data and material samples to be used, shall be submitted to the Building Director. After processing the same, he shall submit such applications as provided in this section.

B. Commercial Buildings. The Building Director shall submit to the Secretary of the Planning Commission all applications for commercial buildings for Planning Commission review of the proposed use, parking, setbacks and yard requirements for conformity with the provisions of this Zoning Code and any supplementary rules and regulations which have been adopted and published by the Architectural Board of Review. This requirement shall affect both new construction and alterations or additions to exterior of existing commercial buildings.

Upon receipt of the application, the Secretary of the Commission shall transmit a copy of such application to the Architectural Board of Review for its review, report and recommendation. The Board shall, within thirty days from the date of receiving such application, provide and furnish to the Commission its report upon its respective jurisdiction.

Within sixty days after an application has been filed with the Secretary or such longer time as agreed upon by the developer and Commission, the Commission shall evaluate the development proposal and report to the Board and shall make a finding either that the proposal complies or does not comply with regulations, standards and criteria prescribed by this Zoning Code applicable to the proposal and shall approve, disapprove or modify such proposal.

C. Approval. If the application for a building permit is approved by the Planning Commission as required in this section, the Building Director shall issue a building permit.

1148.06 APPELLATE REVIEW

Any person aggrieved by an action or recommendation of the Architectural Board of Review may appeal such action or recommendation within ten (10) days after receipt of such decision or recommendation. Such appeal shall be filed with the Board of Zoning Appeals with a copy of such appeal filed with the Building Director. The notice of appeal shall specify the grounds upon which the appeal is taken. The Architectural Board of Review shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. In modifying or reversing any order of the Architectural Board of Review, the affirmative votes of two-thirds (2/3) of the membership of the Board of Zoning Appeals is required.
1148.07 DISPOSITION OF BOARD REPORTS

Three copies of the report of the Architectural Board of Review shall be prepared. One shall be filed with the Planning Commission for its use, one shall be filed with the Clerk of Council and shall be open to public inspection and one copy shall be retained by the Board. The Board shall complete its report and recommendations within thirty days after referral of an application by the Commission.

1148.08 FAILURE TO ACT

If the Architectural Board of Review fails to act within thirty days after it has received the application for a building permit from the Planning Commission, the Commission shall consider the application as recommended for approval by the Board.

1148.09 STANDARDS AND CRITERIA

The following standards and criteria are established to guide the Architectural Review Board in its review of commercial development proposals:

A. Materials shall be appropriate for the use of the building, for weathering and for their relationship to other materials, including those used on adjacent buildings.

B. Colors and textures shall be appropriate for the size and scale of the Building, for weathering and for their relationship to the site and adjacent buildings.

C. Architectural details and ornaments shall be meaningful to the overall design and appropriate for the size and scale of the building and for weathering.

D. Mechanical equipment shall be considered as it affects rooftop appearance, sidewall openings, sound levels, smoke and other nuisance aspects. Also, mechanical equipment shall be considered as it relates to overhead wires, gas and electric meter stations and any other visible appurtenances.

E. Approaches, drives and parking areas shall be considered as they affect the appearance from the street and from the site as well. The relationship of paving to the building shall be appropriate considering factors such as safety, drainage and landscaping.

F. Landscaping shall be appropriate for the size and use of the area, and for its relationship to the building, street, parking area, walks and adjacent buildings.
G. Lighting shall be considered for the appropriateness of nighttime illumination of the grounds, drives, walks, parking areas and the building, and its effect upon surrounding areas.

H. Signs shall be considered for the appropriateness of size, scale, shape, color and illumination in relation to the building site.

be and the same is hereby amended to read:

TITLE FIVE - Zoning Administration
"CHAPTER 1128
ARCHITECTURAL BOARD OF REVIEW

1128.01 INTENT

The purpose of the Architectural Board of Review is to protect the value, appearance, and use of all property, except single-family homes, double houses, duplexes, and family and group homes, but including cluster development and attached housing, on which buildings are constructed or altered, to maintain a high character of community development, to protect the public health, safety, convenience, and welfare, and to protect real estate within the City from impairment or destruction of value. The Architectural Board of Review shall assist and advise the Planning Commission on the design, amenities, quality, relationships to natural features and other aspects of building and site development plans which relate to the appearance of an entire project, all of its parts and its surroundings. All standards, regulations and criteria contained in this Zoning Code, which pertain to all property, except single-family homes, double houses, duplexes, and family and group homes, but including cluster development and attached housing, shall be considered by the Architectural Review Board in its review.

1128.02 ESTABLISHMENT; COMPOSITION.

There is hereby established an Architectural Board of Review consisting of the following five members, all residents of the City, appointed by the Mayor with confirmation by a majority of the members of Council provided for in the Charter, and a member of Council appointed by Council.

A. Two (2) architects duly authorized and registered to practice architecture in and under the laws of the State of Ohio, and shall have been actively engaged in general practice of architecture as a registered architect in the State of Ohio for a period of not less than ten years prior to their appointment to the Board, and shall have been a resident of this City for not less than three years prior to their appointment to the Board. Council may waive the residence requirement provided herein.
**Ordinance No. 01-33**

**Architectural Board of Review**

**B.** Two (2) non-architect members that have been a resident of this City for not less than three years prior to their appointment to the Board.

**C.** One member of Council appointed by Council.

**D.** A majority of the Board shall constitute a quorum to do business, but any decision made by the Board of matters before it upon which it is required to pass under the provisions of this code shall require a majority vote of all members appointed to and serving on the Board and present at the meeting when such decision is made.

**E.** Each member shall be appointed by the Mayor with confirmation by a majority of the members of Council for terms of three years each. Vacancies shall be filled for unexpired terms in the same manner as the original appointments and confirmations. Appointments of alternate members shall be made by the Mayor with confirmation by a majority of the members of Council, for a term of three years each.

**F.** No member of the Board shall participate in the review of any work of which he/she or any partner or professional associate is the author, or in which he/she or they have any direct or indirect financial interest. If such an occasion should arise, the member so restrained shall yield his/her place to an alternate member.

**1128.03 MEETINGS**

The Planning Commission shall determine and advise the Architectural Board of Review on the schedule of meetings in order that applications can be processed expeditiously.

**1128.04 ARCHITECTURAL BOARD OF REVIEW TO ADVISE**

After receipt of a complete submission of an application, the Planning Commission may refer all proposed site development and building plans, except single-family homes, double houses, duplexes, and family and group homes, but including cluster development and attached housing, filed with it to the Architectural Board of review for purposes of review and report.

**1128.05 REVIEW OF BUILDING PERMIT APPLICATIONS**

The review and approval of projects by the Architectural Board of Review shall conform to the applicable requirements of Chapter 1129, “Approval Process - Commercial Structures, Public Facilities, Attached Housing, and Cluster Development”.
STANDARDS AND CRITERIA

The following standards and criteria are established to guide the Architectural Review Board in its review of commercial development proposals:

A. Materials shall be appropriate for the use of the building, for weathering and for their relationship to other materials, including those used on adjacent buildings.

B. Colors and textures shall be appropriate for the size and scale of the Building, for weathering and for their relationship to the site and adjacent buildings.

C. Architectural details and ornaments shall be meaningful to the overall design and appropriate for the size and scale of the building and for weathering.

D. Mechanical equipment shall be considered as it affects rooftop appearance, sidewalk openings, sound levels, smoke and other nuisance aspects. Also, mechanical equipment shall be considered as it relates to overhead wires, gas and electric meter stations and any other visible appurtenances.

E. Approaches, drives and parking areas shall be considered as they affect the appearance from the street and from the site as well. The relationship of paving to the building shall be appropriate considering factors such as safety, drainage and landscaping.

F. Landscaping shall be appropriate for the size and use of the area, and for its relationship to the building, street, parking area, walks and adjacent buildings.

G. Lighting shall be considered for the appropriateness of nighttime illumination of the grounds, drives, walks, parking areas and the building, and its effect upon surrounding areas.

H. Signs shall be considered for the appropriateness of size, scale, shape, color and illumination in relation to the building site.

and present C.O. Chapter 1148 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 committees, 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, and for the further reason that it is immediately necessary to define the scope of the Architectural Board of Review, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: April 23, 2001

T. Richard Martin
PRESIDENT OF COUNCIL

CLERK OF COUNCIL Pro-Tem

APPROVED: April 24, 2001

PATRICIA D. SPEERS

Clerk of the Council of the City of Bay Village, Ohio, hereby certify that ORD. 01-33
adopted by the Council of the City of Bay Village, April 23, 2001 was posted for a period of fifteen days, beginning April 23, 2001, at the five posting places as designated in Ordinance No. 65-149.

3/29/01
MEMORANDUM

TO:        Karen Lieske, Marty Mace and Paul Vincent
FROM:     Gary Ebert
DATE:   September 22, 2017
SUBJECT: Planning and Zoning Committee

Per your email regarding your upcoming meeting, I had previously passed out the work done back in 1993 when there was consideration and establishment for the ABR. Attached are copies from the Metro Design Group which was retained by the City to review standards back in 1993.
INTRODUCTION

For over five decades, Architectural Boards of Review (ABR) have been deemed a legitimate extensions of the police powers of municipalities, necessary "to maintain the high character of community development, and to protect real estate...from impairment or destruction of value, by regulating according to proper architectural principles the design, use of materials, finished grade lines and orientation of all new buildings."* In its July 25, 1963 decision in the case Reid, Appellant, v The Architectural Board of Review of City of Cleveland Heights, Appellee, the Court of Appeals for Cuyahoga County rendered judgement in favor of the Cleveland Heights ABR. In reviewing the City's ABR ordinance, the Court ruled in its summary that, "the ordinance ...circumscribing the power of an Architectural Board of Review to perform its duties "for the accomplishment of said purposes only," is a constitutional enactment of the police power by the enacting legislative authority and is valid" And, "The standards and criteria contained in such ordinance, for the Architectural Board of Review created therein and vested with the authority to pass on an application for a building permit in such municipality, are reasonable and sufficient to enable such board to carry on duties conferred on it."*

This case, which involved the denial of a building permit application to Donna S. Reid for the construction of a contemporary single-story flat roofed house on North Park Boulevard, has been often cited as providing the necessary legal precedent establishing the authority of Architectural Boards of Review. The case was brought to the Appeals Court after Cleveland Heights ABR determined that, although the proposed house was of an interesting and radical design, it would have been out of character with the existing two and one-half story houses along the Boulevard and would have been "detrimental to the further development of the neighborhood." In rendering his legal opinion, Judge Kovachy noted that it was the intent of the Cleveland Heights's ordinance to:

1. Protect property,
2. Maintain the high character of community development,
3. Protect real estate from impairment or destruction of value, and the board's powers are restricted "for the accomplishment of said purposes only."

And that these objects are sought to be accomplished by regulating:
1. Design,
2. Use of material,
3. Finished grade lines,
4. Orientation (new buildings).

* Court of Appeals (119 O.A.) REID V. BOARD
In the final paragraph of his remarks, Judge Kovachy noted that "...the employment of highly trained personages such as architects for the purpose of applying their knowledge and experience in helping maintain the high standards of the community is laudable and salutary and serves the public good."
SHOULD THE CITY OF BAY VILLAGE
ESTABLISH AN ARCHITECTURAL BOARD OF REVIEW?

In August of 1992, the Metro One Design Group was retained by the City of Bay Village Planning Commission to research and analyze the desirability of creating an Architectural Review Body which would regulate the design of both new construction and alterations to existing structures. Although Bay Village is well established and largely built suburban community with attractive homes and commercial areas, interest in the creation of a design review body had its genesis in the the City Planning Commission which had, for some years, expressed concern about the City's inability to regulate design and effectively implement architectural standards consistent with well understood community standards. Bay Village is now a mature community and few opportunities remain for new large scale new development. Its housing stock averages between 30 and 40 years old and is increasingly subject to renovation and alteration as tastes and housing needs change and the structures themselves begin to show the natural signs of deterioration which come from age. Its core commercial area along Dover Center dates back to the City's village era and could easily lose its current and potential charm through well intentioned but poorly conceived renovations. All future alterations to both the existing housing stock and commercial structures will occur within the context of this existing built environment.

Research on this question has involved an examination of review boards in three cities; Lakewood, Solon, and Hudson. This research included both an examination of existing statutes, interviews with the municipal officials with responsibilities for staffing these boards, discussions with Bay Village Planning Commission members, and interviews with public officials in Bay Village; specifically, Mayor Chapman and Building Commissioner Gomola. The Lakewood ABR was selected for examination because it has one of the oldest review boards in the region. Both its sign ordinance and review board have stood the test of a number of legal challenges. Solon's ABR is relatively new (passed in 1990). It was determined that a close look at their review board would reveal some of the problems inherent in establishing a new review process. Finally, the City of Hudson was selected because of the similarities in both size and demographics with Bay Village.

CITY OF LAKewood ARCHITECTURAL BOARD OF REVIEW/BOARD OF BUILDING STANDARDS

In researching the Lakewood ABR, Metro One spoke with Charles Owen who, until recently, administered the City's Storefront Program and served as Secretary to the Board from March of 1986 through September of 1990.

The Lakewood ABR has a five member board which was established by ordinance in March of 1979. Each member serves a staggered five year term. The Lakewood Board is a purely citizen board. Appointed by City Council, there are no professional qualifications for membership. City of Lakewood residency is all that is required for legal appointment to the Board. Members of the Lakewood ABR serve without compensation.
The Lakewood ABR has the authority to regulate design on any proposals which involve changes to a structure (commercial and residential) visible from the street or neighboring residential property. The Lakewood ABR meets once a month and handles an agenda of up to 35 cases. Although the calendar varies depending upon the season, the Board will review as many as 35 cases in a single evening. Typically this will involve 12 to 15 commercial and residential applications, 10 to 12 applications for new signage, and 3 to 5 requests for variances. Cases are presented for review by the Lakewood Building Department. In 1981, the City of Lakewood commissioned Kim Zarney and Robert Gaede to develop an "Architectural Standards Workbook" to serve as a general guide for both its storefront program and the deliberations of the ABR.

Lakewood ABR Strengths and Weaknesses

Of the three ABR's studied for this report, only one, Solon's, set professional requirements for membership on the board. Because of the small sample, it is not clear whether or not this is the exception or the rule. On the plus side, it can be argued that non-professional boards approach design questions from a more empathetic and common sense prospective. Although both the Lakewood and Hudson boards have withstood legal challenge, the 1963 Reid v City of Cleveland Heights case cited earlier, clearly indicates that a board dominated by design professionals affords far more protection from legal challenge.

Legal challenges aside, non-professional boards are typically made up of residents who have gained membership through political channels rather than design competence. Lacking direct design training or experience, non-professional boards tend to be more conservative in their design decisions, basing their deliberations more towards achieving consensus than excellence. Faced with difficult design questions, non-professional boards like Lakewood's can offer an applicant little in the way assistance in resolving problems or articulating the mission of the City. As result, homeowners and small business persons who are unable to afford an architect to represent them are easily intimidated and left without a clue as to what the City wants or how to properly present their proposal. Often they are required to return several times before they are able to satisfy the board. Worse still, truly innovative projects are either rejected out of hand or never reach the table, self-censored to satisfy the board.

The conservative character of the Lakewood ABR is further enhanced by the heavy calendar necessitated by the Board's monthly meetings. With upwards of 35 cases to review, there is little time to give much consideration for any proposals which veer from the mean. On balance, however, the Lakewood ABR has done a credible job maintaining the architectural integrity of the City. Without it, the City would have been unable to re-construct its commercial areas or maintain the value of its housing stock.
CITY OF SOLON ARCHITECTURAL BOARD OF REVIEW

In examining the Solon ABR, Metro One Design Group interviewed Don Lanno, Director of Planning and Development for the City of Solon. Mr. Lanno has been Planning Director the past 10 years and played an active role in the establishment of the Solon ABR.

The City of Solon Architectural Board of Review was created in January of 1990, in part, as a reaction to the design of a number of new single-family homes which had been constructed in Solon in 1988 and 1989. Like a number of exurban communities which lie along the interstates of the region, Solon in the late Seventies and Eighties found itself in a period of rapid growth and transition with few controls on the pace or quality of development. In 1987 the City commissioned its first Master Plan for Land Use and Development. The creation of the ABR in 1990 must be seen as logical part of the process growing cities must go through as the begin to shed their small town informality and dress themselves with the regulatory armour of developed communities.

The 1990 legislation created a three person ABR composed of two registered and practicing architects and one citizen member, each serving a three year term of office. Although residency of the architect members is not required, it is strongly encouraged. The citizen member of the Board must be a resident of Solon. In addition, the Mayor and Planning Director serve as ex-officio members of the Board. The Solon ABR is staffed by the Building Department which formally sets the calendar and presents cases to the Board. The Board does not operate under any formal set of architectural guidelines as in the case in Lakewood and Hudson. ABR approval must be sought by any applicant for a building permit involving any new construction or alteration to an existing structure. Without such approval, a permit cannot be issued. The Solon ABR meets twice a month and members are paid fifty dollars per meeting.

Metro One spoke with Mr. Lanno in September of 1992, after the ABR had been in operation for nearly two years. Mr. Lanno noted that the Solon ABR will, on average, review two to three cases per meeting with the number of cases varying depending upon the season. Most of the presentations before the ABR are for signage. Despite some early problems he felt that the ABR had matured considerably over the past eight to ten months as members developed a better sense of the scope of their authority and began rendering decisions in a more objective manner. This was particularly true for the architect members of the Board who had to learn how to examine projects based more upon their formal training than their more subjective design instincts. These small problems aside, it was his feelings that a majority presence of architects on the Solon ABR gives it more legal authority and commands greater respect from applicants.
In summary, despite the start-up problems Mr Lannoch felt that the creation of an ABR has been a necessary and positive step for Solon. By regulating design, the ABR has improved the quality of submissions by setting higher standards to even qualify for plans examination, and clearly articulated the message that Solon is a city which is genuinely concerned about its future.

CITY OF HUDSON ARCHITECTURAL & HISTORIC BOARD OF REVIEW

In examining the City of Hudson ABR, the Metro One Design Group interviewed City Manager, Sheldon Schweikert and Mary Ann George, Clerk of Council. Both have served the City for over ten years.

Legislation creating the City of Hudson Architectural and Historic Board of Review was passed by Council in March of 1975 and based upon a clear understanding of the historic character of the much of the Hudson's commercial and residential architecture. Creation of the Hudson ABR was done in conjunction with the designation of much of the City as a historic district and the publication of the Uniform Architectural Criteria for the Architectural and Historic Board of Review, Village of Hudson, Ohio, prepared by Chambers and Chambers, Architects, date April, 1977. This document serves as the guide for the deliberations of the Board and gives it the mantel of objective authority.

The Hudson ABR legislation created a seven person board which is appointed by Council and serves two year terms without compensation. Legal residency is the only qualification for membership on the Board. The Board is staffed by the Clerk of Council. Legislative authority for the Hudson ABR falls under the Planning and Zoning Code.

Since the Village of Hudson does not have a certified Building Department, all projects must be reviewed by the Summit County Zoning Administrator prior to local ABR review. In 1984, the authority of the Hudson Architectural and Historic Board of review withstood legal challenge when the supermarket chain Acme/Glick (Albrecht, Inc. et al) attempted in 1981 to alter their Hudson store without benefit of local design review. This case was heard before the Summit County Court of Appeals in 1983 with a ruling made in 1984 in favor of Hudson.

The Hudson Board reviews all new construction and any proposals to modify the exterior of existing structures. ABR meetings are held twice monthly when between 10 and 14 cases are reviewed. According to Hudson officials, decisions of the Hudson Board are rarely appealed. Local appeals are normally handled by the Board of Zoning Appeals without the need for further litigation.
The widespread authority which the Hudson ABR seems to enjoy appears to be based upon a much broader consensus to maintain Hudson as a quaint and eminently liveable village of considerable charm and character. The high commercial and residential property values found in Hudson can be equally attributed to the village's locational assets and its willingness to maintain high standards of architectural integrity. It really is a bit of New England right here in northern Ohio. The general appearance of the village is proof positive of the Hudson ABR's value and the source of its support.

LOCAL BAY VILLAGE INTERVIEWS

In preparing this report, the Metro One Design Group interviewed Bay Village Mayor, Edward Chapman and Building Commissioner, Robert Gomola. Mayor Chapman was interviewed on September 22, 1992. During that interview the Mayor stated he felt the genesis of the whole debate regarding the creation of an ABR was the construction of very large and upscale homes on what were formerly cottage properties along Lake Road and that the real issue was one of size rather than design. It was also his feeling that an ABR review process might be of some benefit in the City's commercial areas but could do little to alter the design or reduce the impact of the huge mega-homes which were the primary source of public concern.

Metro One Design interviewed Building Commissioner, Robert Gomola on September 4, 1992. Commissioner Gomola has served the City for nearly twenty years. Many of Mr. Gomola's points were well taken and are summarized below:

1. The Bay Village Building Department has been functioning quite admirably for many years and is considered by many to be a model of efficiency.
2. The majority of requests for building permits are for alterations on existing residential and commercial structures. The City is as it will be for the foreseeable future.
3. The housing stock in Bay Village is of no definitive style and, hence, what would be the design mission of a local ABR?
4. The Building Department has been reviewing signage for many years without any egregious examples of poor design.
5. The Building Department is required by law to issue or deny a building permit within ten days of application. An ABR review process would make this impossible.
6. Some years ago, there was an informal review board in Bay Village. It rarely modified any proposals.
In speaking with the Bay Village Planning Commission, various members strongly expressed the opinion, that the creation of a body of design controls, along with the legal and political authority to implement those design controls was vital to the health and prosperity of the City. Countering the position of the Building Commissioner, members noted that:

1. Size is, in fact, a design issue and that concern about the context of a structure is a fundamental architectural principle.
2. The design review board created some years ago was never given a clear sense of mission, authority adequate to its tasks, or even a formal meeting and submission structure.
3. The existing City building code could be easily modified to allow for the additional time necessary for formal design review through an ABR.
4. Much of the existing commercial signage in the City is mediocre at best and its design often falls far short of the standard of excellence to be found in cities similar to Bay Village.
5. Although much of the housing stock in the City if of an eclectic design, so is most of the housing in most any city in the area. Furthermore, eclectic does not equal uninteresting. The high quality of the City's housing stock can only be preserved over time with adequate design control and well measured concern for the architectural environment. These are concerns which we all owe one another.
6. And, finally, the Planning Commission is often left to rule upon design questions in the absence of any clear legal authority or stated mission.
SUMMARY AND RECOMMENDATIONS

As was noted at the beginning of this position paper, Architectural Review Board's have a long history and have withstood sufficient legal tests to be virtually beyond legal challenge. They fall, quite properly, within the legitimate regulatory arsenal of any municipality. The question, then, must go beyond whether they are legal to whether they are desirable. It can be argued that a very central role of municipal government is to continuously define and re-define the relationship between the citizenry and the real estate. Certainly that relationship is at the heart of all municipal zoning, planning, and building codes, for these codes all define what is allowable and what is not. In this process of definition, a city's citizens codify prevailing community values and the most deeply felt hopes for the future.

Human beings are the most visually oriented creatures inhabiting this earth. In cities, the most visually appealing or, potentially, disorienting and despairing aspect of the environment is the architecture. Fine communities are noted as much for their architecture as for their cultural and social attainments. Therefore, a city which can afford no controls over its architectural environment can have little to say about its future. We are known by the standards we set and our resolve in maintaining those standards. These standards determine not only what will be allowed, but what will not.

Having reviewed this question (revealing some professional inclinations along the way) it is the recommendation of the Metro One Design Group that the City of Bay Village begin taking the necessary steps towards the creation of a local Architectural Board of Review to assure continuing high standards of development within the City. Most cities within the region have incorporated a formal design review step into their plans examination process. Bay Village has been fortunate in the sense that the market has, thus far, dictated the quality of its built environment. Communities, however, can rarely rely on good luck forever. Bay Village is primarily a residential community with comparatively little commercial or retail development. The communities on its borders offer a wide variety of new and well planned residential developments. Its locational advantages along with the quality of its residential living environment are the basis for its competitive edge over nearby communities. In large measure, its future will be determined by the care the City takes in preserving that environment.

Based upon the findings of this report, Metro One makes the following recommendations regarding the character, authority, and make up of a Bay Village Architectural Board of Review.
1. Bay Village create a three person ABR composed of two architects (or design professionals with appropriate credentials), one citizen member, and at least one alternate to cover absences and cases of conflict of interest (e.g. an architect member submitting his own project for review). Appointments to the Board to be made by Council.

2. That such board be granted the authority to review all building permit applications involving either new construction or exterior modifications to existing structures under the following conditions.

   a. During the first six months after establishment the Board shall only review signs and applications for commercial building projects.

   b. During the second six months after establishment, the Board will review residential applications as a courtesy only. After one year, all residential and commercial building applications involving exterior modifications will require ABR review.

   c. That members of the Bay Village ABR be compensated at least $25.00 per meeting.

   d. That the City commission the creation of a document defining the architectural standards of the City as a mission statement of the new ABR. This document should be user friendly and published in a form generally available to the public and detailing in simple words and graphics basic design principles on residential and commercial construction and renovation. This document should inventory the prevailing architectural styles to be found in the City along with appropriate examples of well designed renovations, decks, fences, etc.

   e. Exempt from ABR review outdoor decks of less than 150 sq. ft. built in rear yards.

   f. Exempt from ABR review fencing which does not extend beyond set back lines and which is of a style and character consistent with the neighborhood and style of the house. Treatment of issues like decks and fences could be covered in the architectural standards workbook.
SUBMISSION REQUIREMENTS AND PROCEDURES

Although it will be ultimately the responsibility of Council and the administration to determine rules for the submission of plans, recommended general guidelines are as follows:

1. All submissions to the ABR should include:
   a. A site plan.
   b. Front, rear, and side color elevations drawn to scale.
   c. Material samples.
   d. Photos of adjoining properties and front, rear, and side photos on all projects involving changes to an existing structure.
   e. Topographical maps for all projects on the lakeshore or abutting flood plains.

2. The ABR shall meet at least once a month with allowances for additional meetings during spring & summer months when construction activity is at its peak.

3. The Building Department serve as the intake for applications for ABR review with sufficient time allowed for prior Zoning and Planning code review—normally about one week. The Building Department will set the ABR calendar and staff the Board.

4. ABR approval will be necessary before a project can move forward to examination of construction drawings and the issuance of a building permit.

5. Legislation must include an appeals process.

The ABR can be made largely self-sustaining through application fees. Typically, these fees are $20.00 for residential permits, $35.00 for sign permits, and $50.00 for commercial permits. Application fees are not set in stone and can be determined by the municipality.

In summary, the creation of an design review body in Bay Village will doubtless result in some discomfort. However, ABR’s are locally controlled commissions. They are as good, well run, and consistent as communities care to make them. They are a reflection of how communities view themselves and their concern about the future of their living environment. That deep concern clearly exists in Bay Village. All that is now lacking is the mechanism to express that concern.
8 June 1993

Rick Foran
Bay Village Planning Commission
30806 Wolf Road
Bay Village, Ohio 44140

Dear Mr. Foran,

Thank you for the opportunity to submit this attached proposal to develop architectural design standards and application procedures for the Bay Village Architectural Review Board. A little over six months ago Metro I Design Group submitted its white paper to the Bay Village Planning Commission and City Council. In that document we detailed the legal basis for architectural review bodies and made a series of recommendations on how the City might proceed in creating its own ARB. We are pleased that Bay Village has decided to move forward on this vital issue. The task now is to create an ARB review body and process which can operate smoothly within the existing regulatory framework of the City and improve rather than restrict future development.

In preparing this proposal, the Metro I Design Group has attempted to fashion a work program which is specifically tailored to the City's current stage of development and reflects the aspirations of current residents, the Bay Village Planning Commission and City Council. We feel confident that the creation of an Architectural Review Board will greatly enhance the City's ability to maintain its current high standards of development. As I am sure you are aware, the Metro I Design Group is a team of professionals with expertise in architecture, planning, zoning, and economic development. All of the Metro I team members will be involved in the Bay Village project. I have enclosed a brochure on our organization which details the professional credentials and experience of each team member.

We look forward to meeting with you in the very near future. If you have any questions regarding the attached proposal and work plan, please feel free to call me at 521-3268.

Sincerely,

Jay D. Gardner, President
Metro I Design Group
B. Survey of Existing Commercial Building Stock
................................................................................................. 4Hrs

All of the commercial buildings in Bay Village will be identified and photographed with recommendations for design modification.

C. Zoning Code Review
................................................................................................. 10Hrs

The Bay Village Zoning Code must be reviewed to assure that any recommendations made with respect to the creation of an ARB will be consistent with that code. Additionally, an understanding of the current code will be essential in formulating an appeals process and determining if amendments will be required to place the ARB on a firm legal footing.

D. Interviews with Bay Village Building Department Officials, Interested Citizens, and Local Design Professionals and Review of Building Department Application Procedures
................................................................................................. 8Hrs

Metro I Design Group feels certain that the Bay Village Building Department will play a key role in the creation and administration of the ARB. Building Department officials, therefore, must be involved in the creation of this review body and the development of procedural rules.

E. Development of Review Procedures and Application Process
................................................................................................. 20Hrs

Metro I will be examining the review and application procedures of a number of comparable cities and sharing this information with Bay Village Planning Commission members. This examination will form the basis for procedures which will be uniquely tailored to the needs of Bay Village residents and user friendly for both applicants and administrative officials.
F. Design Standards Recommendations For Commercial And Residential Building Stock With Illustrations

A good portion of the final document will consist of recommended design standards for the City's commercial and residential building stock. Illustrations will accompany the narrative which will serve as a general guide for the ARB as it evaluates proposals and applicants as they structure their proposals. The City's housing stock will be divided into very general design categories (e.g. historic, post WWI, contemporary ranch, etc.) with design recommendations given for the most common alterations. Recommendations for the commercial areas will key on signage, facade renovation, landscaping, rear and side yard conditions.

G. Team Meetings With Bay Village Planning Commission

It is anticipated that there will be at least three meetings between Metro I Design Group team members and the Bay Village Planning Commission or its designated sub-committee.

H. Metro I Team Meetings

These meetings are necessary to allow Metro I Design Group team members the opportunity to share information, review drafts, and finalize elements of our final report to the Planning Commission.

I. Report Preparation

This time has been allotted to assemble draft elements of the report into a final document for presentation to the Planning Commission and City Council.
J. Council Hearing

............................................................................................................. 6 Hrs

At least three team members will be present at the final presentation of the document to City Council for review. It is anticipated that this meeting will be at least two hours in length.

III. WORK PLAN SUMMARY

Total Hours For All Items In Work Plan .................................................. 150 Hrs

Total Project Cost 150 Hrs @ $ 50.00/Hr.................................................. $ 7,500.00

Printing Costs For Final Report* ................................................................. $ 200.00

Total Project Costs (Inclusive) ................................................................. $ 7,700.00

NOTE: In estimating the costs for this project, it has been assumed that the Metro I Design Group will be able to rely heavily upon Building Department and Planning Commission staff for background information, access to various records, some field research, and other information as may be necessary to appropriately document the conclusions and recommendations in this report. It is also assumed that it will be the responsibility of the Bay Village Law Director to review the final document for proper legal form.

*Estimated cost for printing ten copies of the final report. The City will only be billed for the actual costs for printing. Should costs exceed $ 200.00, the City will be billed for additional actual costs based upon prior agreement by the Planning Commission. Should the City request additional services over and above those outlined in this proposal, these services will be billed at $ 50.00 per hour. Any additional services and charges will require the mutual consent of both the City of Bay Village and Metro I Design Group.
City of Bay Village  
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE  
May 22, 2017  
City Hall Council Chambers 6:00 p.m.  

Member Present: Councilwoman Karen Lieske, Chairman  
Councilman Marty Mace  
Councilman Paul Vincent  

Also Present: Mayor Koomar, Law Director Ebert, Councilwoman Stainbrook, Councilman Tadych, Chief Building Official Grassi, Planning Commission Members Jeff Foster and Warren Remen, Board of Zoning Appeals Members Terry Burke and Dan Gess.  

Presenter: Elaine Price, Cuyahoga County Planning Commission  

Audience: Richard Fink, Lydia DeGeorge, Dick Majewski, Tara Wendell, Claire Banasiak, Cheryl McCarty, Conda Boyd.  

Mrs. Lieske opened the meeting at 6:00 p.m., welcoming all those in attendance.  

Mrs. Lieske introduced Elaine Price from the Cuyahoga County Planning Commission to present the Greenprint interactive suite of mapping and planning tools. Mrs. Lieske stated that this presentation is very timely when looking at things in the new Master Plan, and the developer that made a presentation to the Planning Commission last week. As we try to visualize what impact the development might have on our community, using this mapping device could be very helpful.  

Ms. Price informed the audience that she is an Environmental Biologist by training. She came to the Cleveland area on her way to Washington, D.C. to take a job with the Environmental Protection Agency. She started her career in heavy industry with Sohio, was then recruited by a steel company, and later by G.E. Lighting where she worked for ten and a half years. Following that Ms. Price ran the Holden Arboretum, and is now with the Cuyahoga County Planning Commission.  

In early 2000 the people at the County Planning Commission began working on an online tool to create a vision for green space and trails throughout Cuyahoga County, in order to help communities make the best decisions possible for healthy balance between physical and economic development, structures and green space conservation. Attached to the minutes of this meeting is a printed guide to the demonstration presented by Ms. Price.  


After the step by step demonstration which followed the printed guide attached to these minutes, Ms. Price informed the audience that A Greenprint Guide Book is available which includes a
brief history of the County Greenprint, descriptions of Cuyahoga County’s natural features, recommended land use practices for protecting and enhancing nature as well as links to a wide variety of additional resources.

Ms. Price encouraged all who are interested in using the Greenprint to attend upcoming training sessions. More information about these sessions can be obtained by contacting Elaine Price at 216-443-3721, or use the direct link to the training page which lists the dates and locations of upcoming training sessions. http://www.countyplanning.us/projects/cuyahoga-county-greenprint/training/

A question and answer period followed.

Mr. Richard Fink asked if the training schedule is included on the county planning commission website. Ms. Price stated that it is available on the landing page in the guidebook that will show up as a pop-up blocker. There is no cost for the training, and registration can be accomplished through the website. A U-tube video training guide is also available on the website, as well as the opportunity to sign up to be on the email notification list for environmental events and news.

Mrs. Lieske stated that consideration is being given to expanding the Architectural Board of Review to residential properties. Mrs. Lieske asked if the parcel display segment of Greenprint would be helpful in determining the size and types of structures in specific neighborhoods. Ms. Price explained that this type of information can be obtained from the website by clicking on My Place on the website that will take the viewer to county property information for individual structures. Ms. Price also demonstrated an oblique aerial view of properties which would be quite helpful in viewing neighborhood structures.

Mrs. Lieske thanked Ms. Price for her presence and sharing the information concerning Greenprint this evening. A round of applause followed in appreciation for Ms. Price’s demonstration.

Mrs. Lieske stated that the Planning and Zoning Committee will now move into the remaining items on the agenda for the meeting.

Mrs. Lieske advised that many of the agenda items this evening will most probably be carried over to another meeting to be scheduled in early June.

**Update on Front-end Parking on Dover Center Road**

Mrs. Lieske asked Law Director Ebert for an update on the front-end parking on Dover Center Road and the adjustments to be made to eliminate that parking on the City’s right-of-way. Mr. Ebert stated that he has spoken with the Mayor and they will present the project plan to the City Council. The plan will include an estimate of cost for removal of the concrete in front of the buildings and replacement with soil and grass for a tree lawn area. To be determined is whether the project will be done in house or by an outside contractor. If it is done in-house, it will be based on scheduling. The three establishments being affected will be given advance notice.
Mr. Vincent asked if the amount that was spent for 583 Bistro modification has been determined. Interim Director of Public Service and Properties Liskovec stated that the work was done by the restaurant owner.

Mrs. Lieske requested that the front-end parking on Dover Center Road topic be included on a Council Committee agenda for some time in the near future, prior to Council’s summer adjournment.

**Accessory Structures**

Mrs. Lieske advised that the subject of Accessory Structures came to the forefront with the recent installation of an ice rink in the back yard of a residential property. Research has been done with other communities regarding these types of installations. Concerns expressed are lighting, drainage, noise from participants disturbing neighbors, and possible damage or injury from air-borne hockey pucks.

Mr. Vincent asked what is done for basketball courts. Mr. Ebert stated that he is preparing amendments to Codified Ordinance Chapters 1141.04, 1149.01, and 1359.01. Chapter 1141.04 is being amended to include any building, structure or use customarily accessory or incidental to a permitted use, including basketball courts, ice skating rinks, playground equipment, including all illumination, on special permit. Chapter 1149.01 is being amended to include the location of playground/recreational uses, and structures at least ten feet from the lot line. Section 1359.01 is being amended to add installation requirements for condensers which are used for ice skating rinks. Special permits are required for recreational equipment and ice rinks from the Board of Zoning Appeals.

Mr. Ebert displayed a map of drainage that is in existence on the properties on Elmwood Road where an ice rink has been installed in a back yard.

Mr. Mace commented that he does concur with the Law Director in adding the ice skating rinks to the existing ordinances for recreational equipment as incidental use, and the requirement for the special permit from the Board of Zoning Appeals.

Mr. Vincent confirmed with Mr. Ebert that there is an inspection process done by the Board of Zoning Appeals before the granting of a special permit. A building permit is also required from the Building Department which requires submission and approval of plans. Notice is sent to neighboring property owners of the hearing before the Board of Zoning Appeals.

Mr. Terry Burke, member of the Board of Zoning Appeals, suggested including guidance for the installation of ice rinks, which take up so much of the back yard property, in issuing the building permit.

Mrs. Lieske suggested including a maximum size for an ice rink structure. Further discussion followed as to the nature of ice rink installation, and whether it is considered temporary or
permanent. Mr. Burke suggested including the ability of the Board of Zoning Appeals to limit
time of use, lighting, and storage of equipment.

Mr. Jeff Foster stated that the ordinance should cover all structures, including greenhouses,
shipping containers, etc.

Mr. Ebert reflected on the change in types of recreational equipment from the ordinary swing-
sets to the now sophisticated playground equipment which homeowners install for their children.

Mrs. Lieske asked that the amendments to the ordinances being prepared by Mr. Ebert be
included on the Council committee agenda in the near future, prior to Council adjournment for
the summer.

Mr. Vincent suggested putting the amendments to the ordinances together for Council review,
with changes made if necessary after consideration.

**Housing Inspection Program**

a. Number in targeted area and elsewhere  
b. Complaint based  
c. Citations

Mr. Ebert advised that this agenda item will be covered by a report in the Committee Meeting of
Council to be held this evening following this Planning and Zoning Committee meeting.

**Architectural Board of Review for Residential Properties**

Mrs. Lieske advised that she did further investigating on this topic, and spoke to the Chair of the
Rocky River Design and Construction Board of Review. The meetings of that Board of Review
are posted on the Rocky River website. You can see the agenda for the next meeting, and the
minutes from the last meeting. The Board meets every two weeks. On average, they might have
five or six things to discuss. They did not feel like having the residential piece bog down the
Architectural Board of Review. The members felt overwhelmed by including the residential
piece.

It is interesting to look at the minutes from one of their recent meetings. There was a 2000
square foot home that was demolished on a lot that was intended to be split for two new homes,
and they discussed materials, fence, landscaping, and elevations in relation to other homes in the
neighborhood. The Chair of the Board of Review was quoted saying that she had an "unresolved
feeling about the roof combination on the north elevation" and they said that the second or north
facing corner was out of scale with the neighborhood. Mrs. Lieske noted that this is what the
Planning and Zoning Committee was discussing at our last meeting, about looking at the
neighborhood and how these homes will fit in with the neighborhood. The Rocky River Board
tabled the item until there were additional revisions. The Rocky River Design and Construction
Board of Review then held another discussion about a single family residence. They discussed
materials, the scale and height of the front porch. They said the middle entry piece on the front
elevation was too vertical and there was no harmony between the house discussed previously. These are the two houses that will go on the split lot. Once again, this was tabled.

Another application for a two-story addition was reviewed, with the Board looking at the materials matching the existing structure, and the railing to match the home. This application was approved.

An additional proposal by a contractor that is well known in Bay Village was approved for a new single family residence. The Board discussed the materials and the roof and they wanted the brick face on the entire foundation rather than just the front.

A proposal for a second story addition was reviewed as well.

Mrs. Lieske stated that since this committee is looking at Rocky River and what kinds of things they discussed and some of the comments that they have might help the Planning and Zoning Committee going forward.

Mrs. Lieske also tried to reach the Chair of the City of Lakewood Architectural Board of Review, but has not been able to do so at this time. Their next agenda indicates that they will be looking at a porch, a new single family home on a vacant lot, another porch, and were concerned about a garage for a home. In regard to the garage, they were concerned it is going to be fabric and a round structure. They were talking about changing the façade of a house, and then there is a three-story rear addition on the agenda for review. This committee talked at one time about reviewing those things that might be seen from the front, but when you think about what people might put in the back, there might be things worthy of review.

Mrs. Lieske commented that this all ties in with the copy of the Master Plan Council just received. Action Items, 5.3, has to do with giving the Architectural Board of Review the ability to review residential construction based on design guidelines. The extension of the charge of the Architectural Board of Review to include residential properties seems to be in line with what the Master Plan proposes and seems to be in line with what our neighboring communities are doing.

Mrs. Lieske would like to keep this matter moving forward and talk about the square footage limits. Would it be 28% like Rocky River? We also talked about the height and the mass and the average of the neighborhood.

Mr. Terry Burke, representing the Board of Zoning Appeals, commented that Mr. Norton, Chairman of the Board of Zoning Appeals, could not be present this evening, but Mr. Burke and Mr. Norton have had considerable discussion on this matter. They believe there is a need for additional ordinances which define such things as the mass, the height, and consideration of other homes in the neighborhood, but something where a builder, architect, or owner can look at something and know with certainty their plan would be in accordance with the ordinance. This would give a lot more guidance to residents. The second part is the need to go to an Architectural Board of Review. We believe it is not necessary and not beneficial for the citizens to require them to go before the Architectural Board of Review if we have set standards. It seems
like we are inviting the Architectural Board of Review to act as an architect for the home. It is also an additional expense to the homeowner because he is going to have to have his architect come out to a meeting. It also adds time to the actual completion of construction of the home. If a variance is needed it would be treated the same way as variances are treated now for setback requests.

Mrs. Lieske stated that they could look at the mass, height and square footage limit of proposed residential property. We have also heard the desire to have these new homes blend in with the neighborhood. Mr. Burke stated that the height, mass and square footage is important. As far as blending with the neighborhood, Bay Village has always been unique in the difference in styles of home architecture.

Mrs. Lieske stated that the concern is when cottages are torn down and replaced with homes that are two to three times larger than other homes in the neighborhood. Would these numbers that we are discussing protect us from that occurring? Mr. Burke stated that ordinances written to address the height in conformity with the neighborhood may address that concern.

Law Director Ebert said that if you talk about the square footage in conformity with the size of the lot might be a step in the right direction, but you have to be very careful about the right of the property owner.

Mr. Foster stated that the ABR is not there to redesign the property for the applicant. It is about insuring that good design principles apply.

Mr. Burke stated that years ago case law was very strict about not being able to dictate aesthetics to homeowners. There has been some lessening of that in recent years. Mr. Burke noted that an architect sitting on an Architectural Board of Review may have a different idea for what is appropriate on a street for a home in Bay Village than the architect designing the home. Mr. Burke expressed concern that this may be in-between arbitrating by the City.

Mr. Foster stated that he served on the Architectural Board of Review in Lakewood for five years. He stated that it is important that the architects understand their role in looking at how they are applying materials and what is really appropriate. A classic case is porches; people would bring in plans for a deck that may be according to code but is not within the spirit of the character of the City. The Board is there to review and improve upon the design and decide whether it fits into the character of Bay Village. It is not about regulating styles; it is about applying good design principles. Most applicants, when hiring professionals, adhere to certain design set of principles that most people can agree upon are good or bad. Across the board that is pretty well applied.

Nancy Stainbrook stated that the impression she is getting from what Mrs. Lieske read from the other cities is that the purpose of the Architectural Board of Review is to make suggestions for the plans.
Mr. Vincent stated that the Architectural Board of Review for Bay Village gives neighbors a chance to appear and give their comments about a neighboring project. The existing Architectural Board of Review in Bay Village has given very good suggestions to applicants to improve their projects. For example, the sign for the 583 Bistro restaurant at Dover Center Road was very much improved by the suggestions of the Bay Village Architectural Board of Review. It does add valuable input to a project. As far as Vivid Jewelers, the input from the Architectural Board of Review was very helpful. The Architectural Board of Review for residential properties could be very helpful to homeowners. Mr. Vincent noted further that these cities that have Architectural Board of Review for residential properties are not causing people to not want to build in those cities. Bay Village is the best place to live near the lake with good schools, and having to go through one little hurdle is not going to prevent people from building homes here.

Mr. Mace suggested creating standard guidelines, for example, a new house could not exceed the footprint by a specific amount on a certain lot size. He suggested guidelines for the builder to limit the space that they have to build.

Mrs. Lieske stated that if we were to look at the square footage limits based on size, would we want to consider the 28% imposed by Rocky River? Bay Village is more like Rocky River than the other nearby communities. Mr. Foster encouraged a study of percentages relying on SAFEbuilt to assist with that study before moving ahead. He noted that the percentage suggested might make some lots unbuildable on the east side of the City. The percentage is a very important number.

Mrs. Lieske suggested starting with the Architectural Board of Review for residential new construction without the percentage number. This will be something to discuss further with Council. Mr. Mace noted that demolition and rebuilds would fall into new construction review.

Mr. Vincent suggested having a consultant assist with this matter, noting that this was very helpful in redrafting Chapter 1158, Attached Residence District. Mrs. Lieske noted that when the Municode subscription begins the City will have more input available from other communities as well.

Mrs. Lieske thanked everyone for their attendance and participation this evening. The meeting adjourned at 7:27 p.m.

Karen Lieske, Chairman  
Joan Kemper, Secretary
City of Bay Village  
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE  
June 5, 2017  
City Hall Conference Room  
6:30 p.m.

Member Present:  Councilwoman Karen Lieske, Chairman  
Councilman Marty Mace  
Councilman Paul Vincent  

Also Present:  Mayor Koomar, Law Director Ebert, Councilwoman Stainbrook,  
Councilman Tadych, Chief Building Official Grassi, Board of Zoning Appeals Members Terry Burke and Carolyn Young.

Audience:  Richard Fink, Lydia DeGeorge, Dick Majewski, Alex Dade, Suzanne Graham, Pete Winzig, Bill Selong, Pat McGannon, Cheryll McCarty, Joe Krall.

Mrs. Lieske opened the meeting at 6:30 p.m., welcoming all those in attendance.

**Accessory Structures**

Mrs. Lieske stated that the Committee is reviewing changes in ordinances to try to include additional types of structures than when this was originally created. There was a question received via Mr. Ebert’s administrative assistant, on behalf of Mr. Ebert, as to what constitutes playground equipment. We do not want to prohibit standard playground equipment, but this is meant to involve larger playground structures. Mrs. Lieske invited comments from anybody who has any additional insights on when something goes to regular or larger, noting that there was apparently litigation at one time.

Mr. Jeff Grassi, Chief Building Official, stated that he is not familiar with any litigation, but his thoughts are that the determination of what is above standard playground equipment could be addressed according to size, square footage and height of the equipment. Mrs. Lieske noted that some of the newer playground structures manufactured today may even be taller than the actual building height of 35 feet allowed for residential structures.

Law Director Ebert arrived at this point. In reference to the litigation in Bay Village regarding playground structures, Mr. Ebert stated that there was a case known as Hardin v. Naughton on Lake Road. The structure was 40 feet in length with a drawbridge, forts, swings, and slides. The City was not named a party to the litigation although there was a deposition of the Mayor. The matter went all the way to the Court of Appeals. Our ordinance dealt only with the customary swing sets. The recommendation of the City at that time was not to change the ordinance while the litigation was pending. Mr. Ebert stated that he would also not like to get into a situation that would prohibit swing sets. We would have to consider square footage, length and height of playground structures.
Mr. Ebert noted that the case of Hardin v. Naughton was brought up mostly because of the view of Lake Erie being impaired. The Court has said in other instances that the property owner’s view stops at the property line, otherwise an easement should be paid to look over someone else’s property. The City is sensitive to the lake view and therefore has set the four feet height limitation for fences and shruberies in the back yards of Lake Road, which is different than in other places in the City.

Mr. Ebert did confer with the Building Director of the City of Westlake. Westlake has boundaries they set for basketball courts that are not attached to driveways. He mentioned that this was brought to attention because of lighting, square footage, and distance from the property line. A requirement is that the lot must be more than one acre to have a separate basketball court. This particular requirement came about because the former coach of the Cleveland Cavaliers decided to put a big basketball court in his yard. He had the square footage but the positioning of the court was in question.

The City of Westlake Building Director stated that they have had only one skating rink constructed on residential property in their City. They investigated and made sure it was done properly and taken down in the summer. It was not something they wanted to create legislation over. Mr. Ebert will obtain a copy of the City of Westlake Accessory Structure regulations.

In regard to the Bay Village litigation case, it was ruled that there was no prohibition in the Bay Village ordinance. The playground equipment was adjacent to a patio, behind the home. Mr. Ebert stressed that he would not want to require that standard, customary swing sets or playground equipment be required to apply to the Board of Zoning Appeals for a special permit.

Mr. Terry Burke of the Board of Zoning Appeals commented that it seems over the years that the complaints the Board of Zoning Appeals has dealt with in regard to recreational accessory structures have really been regarding lighting. Mr. Burke stated that lighting should definitely be included in any new legislation. Noise would be governed by the time of use, and excessive noise addressed by existing ordinances. Mr. Burke noted that the area of the backyard should be considered when determining the amount of square footage to be permitted. In the case of the ice rink in Bay Village that was installed on residential property, the lights beamed down onto the ice and the ice reflected the light to the nearby properties.

Mayor Koomar noted that there was an ice rink on Cahooon Road that was permitted by a homeowners association. In that case, you do not want unintended consequences when you think through potential legislation. All examples, small and large, must be considered. Mr. Ebert noted that most ice rinks are seasonal.

Mr. Vincent brought forth the question of safety. Chillers may be used for these ice rinks, and the installation of this type of equipment must be checked through the Building Department and require a permit for installation. Mr. Joe Krall, resident on Elmwood Road, who has brought to the attention of the City the installation of an ice rink next door to his property, commented that the chiller use for that ice rink is quite noisy. When the temperature is above freezing it runs 24 hours a day, seven days a week.
Carolyn Young of the Board of Zoning Appeals commented about the size of the lot governing the size of the structure allowed.

Mrs. Lieske compared the fencing requirements for a swimming pool to the requirements for an ice skating rink. The same type of requirements should apply to ice skating rinks for safety purposes.

Mr. Krall stated that a boundary requirement of ten feet off the property line would cause the rink to be dramatically smaller.

Mr. Burke noted that the box for the ice making equipment is quite large, bigger than the generators that come before the Board of Zoning Appeals. Mr. Grassi stated that approval from the Building Department is required for this machinery.

An audience member asked if the effective date of a new ordinance governing these types of installations would have any impact on the one that has already been constructed, given that they may take it down each summer and put it back up in the fall. Would this require a renewal of the permit each year? Mr. Ebert stated that it would require renewal; it is not a permanent structure. Mr. Grassi agreed that the existing structure would have to comply with the new ordinance. Mr. Ebert noted that lighting is always regulated by the City, regardless of the new ordinance.

Mrs. Young commented that there are also residential properties in Bay Village that have large batting cages. These structures can be 40 ft. x 20 ft., and 15 ft. high, and a foot or two off the property line. They are never taken down.

Mr. Ebert stated that there would have to be definitions for basketball courts, playground structures, ice skating rinks, skate board facilities, go cart tracks, and batting cages. These definitions would include size, square footage, height, distance from property lines, and percentage of the back yard to be allowed for installation. Mrs. Lieske noted that all of these things could qualify as a recreational use of structure. Mr. Ebert stated these are all isolated cases that exceed the norm. Legislation could not be made retroactive; existing structures would be grandfathered in. The property owners would have to comply with restrictions established.

Discussion of fences around swimming pools followed. Mr. Ebert stated that when the legislation was drafted the idea was not to have the fence around the whole yard. Mr. Grassi stated that the confusion is that a backyard swimming pool requires the installation of a “barrier” and cannot be less than four feet in height or more than six feet in height. The ordinance does not say how far away the barrier has to be from the pool itself. The Board of Zoning Appeals faced this with an application on West Oviatt, and most recently on Osborn Road. Because of the lack of specificity in the ordinance, both received approval. Mr. Grassi noted that the ordinance states that the barrier has to be three feet away from the pool, but there is no limitation as to where it can be, and what it encompasses. Mr. Vincent noted that barriers close to the pool may restrict visibility.
Mr. Grassi stated that one of the cities he researched treat ice skating rinks the same as swimming pools. Mr. Burke stated that there are similar aspects for ice rinks and pools, as far as machinery, permits, safety, lighting, etc.

Mrs. Lieske stated that Mr. Mace has brought up that Section 1141.04 refers to First Residence District. Mr. Mace noted that property west of Dover is Residence Three District. Mr. Ebert stated that there would be a correction made because the ordinance is intended for the entire City.

Mrs. Lieske summarized that there is additional work to be done relating to the regulations for Accessory Structures.

Update from Jeff Grassi, SAFEbuilt, Inc. regarding ordinances from other communities relative to removing spoils from excavated basements. (Exhibit A attached).

Mr. Grassi stated that he surveyed nine communities. Eight of the communities had ordinances that referred only to waterways and wetlands. None refer to residential properties. With new home construction storm drains are required to be covered during construction. They all relate to larger projects. The City of Bay Village ordinance is almost verbatim with these communities.

Mr. Ebert explained that Bay Village has a unique situation because of one developer who has created issues here in Bay Village, at two different locations who left the spoils on the property after the house was built. The mound on Humiston is gone. In most houses when the excavation is done they use some of the spoils around the foundation. I

Mr. Tadych stated that we might be unique in that we might be the only City, however, we are primarily residential and all these other cities have a great deal of commercial. Mr. Ebert stated that Bay Village is unique in the standpoint that most developers when they build a house, when the house is done the mounds are gone. We had a situation with one specific builder who has done this more than once, as far as keeping the spoils there.

Mr. Tadych stated that what he has seen, in his ward especially, and not just in the two houses Mr. Ebert is talking about, is that they push the dirt, or spoils, around and level it out. However, if you look at the house on the right and the house on the left, the house in the middle where they built, the dirt goes down at an angle and goes to those other homes. They are not on the same level as it was originally; the ground is higher. There is a site where they divided the lot in half and the half that they didn’t build a house on yet is lower than the place where they built the house and slanted the dirt to the sides through the whole lot.

Mr. Tadych stated that one of the ordinances in Mr. Grassi’s research spoke of two different things. It talks about grade, and another kind of grade. (Natural grade and finished grade)

Mr. Ebert stated that of the two areas he pointed out, one has been filed in court regarding the spoils being on the property. The mound on Humiston is gone. Mrs. Lieske stated that the last
time she went through Humiston it looked like it was still on the mound. Mr. Ebert stated that when it was negotiated for the lot being sold and donated back the spoils helped to lower the grade. It actually helped in that situation regarding the lot to the north.

Mrs. Lieske stated that if we get some additional information from Lakewood it would be very helpful. There could be some older homes there torn down.

**Architectural Board of Review for Residential Properties**

Mrs. Lieske stated that the new Master Plan references to this type of review. The idea of doing something here is in line with that whole process, which really had citizen input with the different committees and opportunity for people to offer comments about the ideas being proposed.

Mrs. Lieske stated that we don’t want to take away people’s rights and have things too restrictive, but the whole idea about developing design guidelines that insure future residential development is consistent with the character that makes Bay Village a desirable place to live is in line with what we have been discussing. We are considering going with some of the more quantitative types of restrictions in terms of square footage, height, mass and reviewing the averages of the houses in the area. Additionally, not mentioned before, Mr. Foster of the Planning Commission had been on one of the boards in Lakewood for a few years, and they talked about how the powers and duties of the Design and Construction Board of Review act on all plans and specifications for construction, alteration or relocation of any building or structure. It talks about not being limited to building mass, window treatment, exterior detail, and relationships, roof shape, materials, texture and color. This is more what the City of Hudson does in terms of being a little more restrictive including compatibility of materials on the exterior, pedestrian environment and any other factors. Mrs. Lieske stated that she talked about Rocky River at one of the previous meetings, but if we were to look at those basic areas, the square footage, height, mass, and the average of the houses in the area it would be a good place to start. We talked about how we could establish the percentage you can build on a lot. Rocky River just changed theirs to 28%. That is an issue to discuss, but the Architectural Board of Review (ABR) should really consider residential new construction to be in accordance with the Master Plan.

Mr. Burke stated that he talked today with Jack Norton, Chairman of the Board of Zoning Appeals, and his thinking is that to require residential to go to the Board of Architectural Review would cause undue time and expense. They are definitely in favor of an ordinance that would set restrictions on the mass and square footage. The most complaints heard are the ones where a huge house is put on a street with other houses that are half the size of the new one being constructed. That is the biggest issue. It would be appropriate to try the restrictive ordinances first, with the opportunity for applying for a variance with the Board of Zoning Appeals. If there
would still be a problem, the applicant would then consider going to the Architectural Board of Review.

Mrs. Lieske suggested that starting with something that could be incorporated into an ordinance may even serve the same purpose as residential review by the Architectural Board of Review. We do have to determine the guidelines.

Mr. Ebert stated that in determining the guidelines it behooves the Planning Commission and Board of Zoning Appeals to provide input, the Planning Commission for new development and the Board of Zoning Appeals for variances being sought. A combination of both committees could also help.

Mrs. Lieske suggested that it would be helpful to look again at the list of new construction in the City of Bay Village over the last two year period, and the square footage used on each lot. Mrs. Lieske suggested driving by the homes to look at each home. Mr. Grassi will provide the list of the new construction and square footage used on each lot for the last two years.

Mr. Selong asked how the square footage is determined for a home that is only one story but has the appearance of being a two story home. Mr. Ebert stated that square footage is counted by usable floor space.

Mr. Dade asked how mass is compared with acreage. One is a volume, and one is square footage. Mr. Ebert stated that based on the square footage of the lot you couldn’t get anything over a certain square footage of a house. Mr. Fink stated that the volume is simply the square footage by the height. The maximum height is 35 feet. Mr. Majewski stated that the problem is the 35 foot height is one size fits all. It doesn’t work on a smaller lot. You have to make some kind of height limitation based on square footage of the lot. That would limit the height and limit the size of the home.

Mr. Burke stated that in the sense of the proposed ordinances on mass input from the Architectural Board of Review and Planning Commission would be helpful.

Mrs. Lieske asked the Secretary to send out to the Planning Commission, Architectural Board of Review, and Board of Zoning Appeals the list of the new construction that Mr. Grassi will provide. We will then ask the chairs to convene a meeting for review and discussion. It may even be helpful if they would find time to drive by the homes.

Mr. Patrick McGannon asked if there has been consideration given to the protection of the historical homes in the City. Mrs. Lieske stated that there is reference to that in the Master Plan. That has not come up at any of these discussions, but it is a good point for future discussion. Mr. McGannon noted that he has a 95-year old neighbor across the street whose father built the farm house she lives in. She does not want it to be torn down, but there is another neighbor who is a
developer who wants to tear the house down, even though it is in great shape. There may be some value to possibly protecting those homes. This particular house was built in 1874. It is not registered or plaqued.

Mrs. Lieske thanked everyone for their attendance and participation this evening. The meeting adjourned at 7:20 p.m.

Karen Lieske, Chairman

Joan Kemper, Secretary
City of Bay Village
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE
June 26, 2017
City Hall Conference Room
6:30 p.m.

Member Present: Councilwoman Karen Lieske, Chairman
Councilman Marty Mace
Councilman Paul Vincent

Also Present: Law Director Ebert, Councilman Henderson, Councilman Tadych, Councilwoman Stainbrook, and Chief Building Official Grassi.

AUDIENCE


Mrs. Lieske opened the meeting at 6:30 p.m. Mrs. Lieske welcomed colleagues from the Boards and Commission noting that it is valuable to the residents and the City to share advice and expertise on the many topics being reviewed this evening.

Front End Parking Update

Mrs. Lieske stated that responses have been received from some of the businesses along Dover Center Road, who have reached out to the City with some of their concerns about eliminating the front end parking in front of their establishments, and what that meant in terms of their clients accessing their properties.

Law Director Ebert advised that a meeting was held with the owner of the Campana’s Building, and with Larry Gregg, representing another building. The issue concerning the Campana’s Building is the owner was going to do some improvements to the sidewalk and repave the area. The City stopped him in time pending the work to be done by the City. Mr. Gregg, the owner of the building next door stated that he has no problem with the plans of the City. Mr. Ebert met with Dan Malley last week of Malley’s Ice Cream Store. They discussed the fencing that separates the two parking lots, noting that if the fencing were removed patrons could exit the back parking lot in a different direction. This will be discussed further with Mr. Malley. It was noted that great care is being expended in order to insure the safety of the pedestrians walking along Dover Center Road, and the children walking home from St. Raphael’s School. Mr. Vincent asked if Mr. Liskovic has put together the estimates for the cost on the work to be done. Mayor Koomar stated that he knows that he has but he has not reviewed it as yet.

C.O. 1351.04
The discussion about natural and finished grade has led to the discussion of spoils being removed from the construction site. Research indicates that other communities do not require the spoils, or extra soil, to be removed during excavations. Mr. Tadych has expressed concerns in particular about things he has seen in his ward about the finished grade lines being different than what was initially there when things were started. Mr. Tadych stated that in almost all cases, a person could stand in front of the house and look at the grade of the house after it is complete, and that grade slants toward the neighbors. Although it might be caused by some drainage situations, it does slant. Mr. Tadych stated that he cannot understand why it needs to slant because if the grade was proper before, it should remain the same as it was for the neighbor.

Mrs. Lieske called upon Building Official Grassi for his comments. Mr. Grassi stated that the drainage must be contained in the property owner’s yard. Mr. Tadych stated that the neighbors are complaining that the drainage is not contained in the yards. They have to put in special sewer tiles for the water to go the other way. Once you put in the sewer tiles those can get blocked over the years and contain more problems for the homeowner. If the grade is maintained, there can be no problem.

An audience member asked if a French trench can be installed. Mr. Tadych stated that over the years it will block.

Mr. Ebert advised that the ordinance states that the grade cannot be more than 6 inches higher. Mr. Ebert stated that if it is more or less than six inches, we would know what it was before it began.

Mr. Vincent asked if the grade measurement is known, outside of the visual inspection.

Mrs. Stainbrook commented that inspections are done from topographical maps and the grade has to go back to where it was in the beginning. She stated that she does not understand how it has gotten higher.

Mrs. Lieske suggested that Mr. Tadych provide specific addresses for follow-up for review and to check what kind of inspection was done and what reports there are. Mr. Tadych stated that this would be a start. There are people in his ward that have spent over $4,000 recreating their property because of the grade of homes that have been built around it, and their backyards still flood consistently.

Mr. Tadych stated that the homes in Wards 1 and 2 are much closer together and the problem is felt much more than in Wards 3 and 4 where the homes are spaced further apart and drainage is more spread out.

Mr. Jeff Foster, member of the City Planning Commission, stated that it should not be the City’s responsibility to prove the grade. If the ordinance says you cannot raise the grade more than six inches a survey should be required in the beginning and a survey when the property is finished. It shouldn’t be the responsibility of the Building Department’s inspectors to confirm.
Mr. Mace asked if at one point in the current process is someone going out and checking on the final grade at the end of the project. Mr. Grassi stated that Bramhall Engineering does the initial grade and also checks at the end of the project. Mr. Ebert added that this type of grade inspection was done in-house years ago. An outside engineer was not involved until recently. In the past we did not have as many developers demolishing homes and building new ones.

Mr. Mace stated that there is a procedural problem somewhere along the line that someone is not coming back and reporting that the final grades are off. Where we are getting this happening is when the builder spreads out the spoils so he can save cost of removal and finding someplace to put it. Mr. Grassi stated that the inspection isn’t done until after it is all graded out and everything meets the original plan they submitted and was approved at the beginning of construction. They know what the ground is supposed to look like at the end of the construction.

Mr. Mace stated that he does not think it should be complaint driven by neighbors. It is the responsibility of the builder to come back to the City for approval of final grade before any seeding or landscaping is done.

Jennie Hartzell stated that she lives on Humiston and they had a problem on their street. She asked what happens if the builder doesn’t follow the City rules, and the City is not going to make him tear down the house, and it isn’t possible to fix at this point. This was a huge problem on Humiston.

Mr. Vincent asked Mr. Ebert if the violator is the homeowner or the builder. We only have a fourth degree misdemeanor and we don’t have any fines. Mr. Ebert stated we had this situation with the Humiston builder. That is why we got into this whole situation with the builder donating the neighboring lot back to try to temper that whole area. The builder is responsible. The homeowner is the owner of the property who contracts with the builder. The builder should be building according to the plans submitted to the Building Department. The builder is the one who is violating the terms of the ordinances we have in the City of Bay Village. Up to that time, the ordinance we have wasn’t an issue as far as the grade.

Mayor Koomar stated that what the City has done now is require foundation grade, and top of grade and that ties into the plans and the grading after the fact is going to be o.k. Mr. Grassi noted that steps are now in place from the very beginning of construction to the very end of the construction to the final grade.

Mayor Koomar noted that Mr. Grassi gives him an update every month that those inspections have been performed on a timely basis. If we don’t do a top of grade inspection and it is off from the plans and someone starts framing the house, it is too late.

Mr. Mace stated that it sounds like there is that procedure in place now, which requires the final grade to be looked at a little more closely and not be complaint driven. Mayor Koomar stated that SAFEbuilt, Inc. inspectors also have to be out there when the home is going up because as part of the process the builder should be coming back and letting them know they are ready for
the top of the wall inspection. If someone is not playing by the rules it is the responsibility of SAFEbuilt to red tag the property and stop construction.

Mrs. Lieske stated that the cases where this has not happened has resulted in Mr. Tadych receiving calls and that would warrant investigating the complaints and seeing if any complaints come through after this process was put into place.

Mr. Tadych stated that he sat in this room and heard Mr. Grassi’s predecessor (Mr. Cheatham) say that there is nothing they can do. They would not tear out a basement because it was put in incorrectly. With that kind of attitude it isn’t going to be corrected properly at the end. Mr. Grassi stated that he most certainly would make the builder straighten that foundation out.

Mayor Koomar stated that if you start with a foundation inspection at that point it is much easier to do that.

Mrs. Lieske asked Mr. Tadych to give Mr. Grassi the addresses of the homes he feels the grade is incorrect. These will be considered under the complaint driven category.

Mr. Krall stated that he still feels the grade of his neighbor’s home is incorrect. Mr. Ebert stated that he will have Mr. Lyons, the Property Maintenance Inspector inspect the property.

Accessory Structures

Mrs. Lieske stated that it is very helpful to have the members of the Boards and Commissions present as modifications are looked at for the accessory structure code, especially in reference to accessory structures.

Mr. Ebert has called attention to the differences in these types of structures, ranging from what would be home-assembled to the type of structure that requires various additional components.

Mrs. Lieske noted that she saw an accessory structure just this morning on West Oviatt, just west of Sutcliff Drive. There is a net that is very large between the two houses. It is an attempt to stop balls from going into the neighbor’s yard.

Mr. Ebert provided to the committee members a copy of the City of Westlake Code 1211.33, Recreational Courts, which addresses basketball and tennis courts in residential districts. He stated that they do not have anything specific regarding ice skating rinks. The code indicates that “no floodlights, light poles or lighting of courts is permitted.” Mrs. Lieske noted that there is lighting on the ice skating rink that is installed in the backyard of the home on Elmwood Drive, the neighbor of Mr. Joe Krall, present at the meeting this evening.

Mrs. Lieske stated that to move forward with this topic of Accessory Structures, and to try to prevent a problem this winter with ice skating rinks, Mrs. Lieske would like to try to have something in place before winter. Possibly the Architectural Board of Review proposed extension of items to be reviewed could begin with something more simple such as these
backyard installations, before moving forward with other residential structures.

Mr. Ebert noted that there must be a clear definition of a simple basketball hoop installed on a driveway versus a separate area with a larger court type installation in a rear yard. It may involve the Board of Zoning Appeals for a special permit, and would most probably be based on square footage. The Board of Zoning Appeals can control the lighting, the hours of operation, and put restrictions on any type of permit that is granted.

Mrs. Lieske noted that the square footage matter can also apply to playground structures.

Mr. Grassi noted that the ordinance from the City of Westlake answers most of the questions that were brought forward at the last meeting of the Planning and Zoning Committee. The ordinance states that “recreational courts shall not be used for go carts, motorcycles, or other motorized vehicles. The ordinance also addresses the grade question and lighting, and is an excellent source in drawing up a code for Bay Village.

Mr. Krall commented that another thing to consider with ice rink installations is the underground tubing and the chiller that is used to keep the ice. This adds additional height in the back yard which is an additional concern.

Mr. Ebert stated that the condenser or chiller would fall in the same type of equipment as air conditioners or generators. Mr. Krall explained that there is hardware connected to that chiller that is on top of the ground, with the ice installed on top of that hardware. The surface of the ice rink is elevated above grade.

Mr. Ebert stated that another consideration is whether the structure is temporary, and there may be a need to have a definition of temporary including how long it is permitted to be installed and when it is to be removed and reinstalled.

Mr. Tadych asked if the ice rink would have to be completely removed. Mr. Ebert stated that he does not know if it would have to be completely removed. If there is a grade issue, as long as the drainage stays on the owner’s property it should be permissible. He noted that this is something that needs to be investigated further.

Mr. Bill Selong asked if there is any regulation concerning the height of a deck that is installed on the back of homes. Mr. Ebert stated that a permit is needed, but there is not a regulation as far as the height. Mr. Selong suggested that if there is a regulation, it may apply to this situation with Mr. Krall, where they raised a structure higher than the grade.

Mrs. Lieske noted that this might apply to something more permanent. Mr. Ebert added that the ice rink is a temporary structure.

Mr. Selong stated that he has been listening to this debate for quite some time. He would urge this group to take the best approach they can and not try to make it perfect. Time is going to be of the essence, otherwise there will be another whole season of the rink use.
Mr. Ebert stated that he is willing to draft something but will need some criteria on which to base the regulations. He noted that Westlake’s ordinance doesn’t speak to ice rinks specifically.

Mr. Jeff Foster stated that something else is likely to come up besides ice rinks.

Mr. Dade suggested drafting a code that addresses a structure not usually associated with a residence, and specific to a given sport, noting how many feet it should be from the property lines and no more than a certain percentage of the lot size. It should also be at grade, which would not be as noticeable to the neighbors.

Mr. Ebert noted that the Westlake ordinances refer to “estate size lots.” The reason they do that is because the “estate size lots” with these installations are not as much of a nuisance to the neighbors. This was drafted this way by Westlake when a former Cavaliers coach wanted to put a basketball court on his property.

Mrs. Lieske suggested that Mr. Ebert put something together. Mayor Koomar suggested that the committee provide specific bullet points as to what they want and what they don’t want. Mrs. Lieske asked Mr. Vincent and Mr. Mace their preferences.

Mr. Vincent suggested that there be some discouraging amount used as an offset from property lines which will address a lot of problems. Mr. Vincent suggested that folks wanting to ice skate should avail themselves of a recreational facility for that purpose. Mayor Koomar noted that the homeowners association of property on Cahoon Road installed an ice skating rink far away from property lines and the right of way. There have been no complaints regarding this installation. Mr. Vincent stated that there is no concern about the common-sense installations such as that particular one. No other property owners were negatively affected in that situation.

Mayor Koomar encouraged the committee to give specific bullet points to avoid unintended consequences.

Mr. Vincent stated that he prefers requiring installation at grade. It is easy, straightforward, you wouldn’t have the neighbor coming in to say it is nine inches above grade, instead of six inches above grade. Mrs. Lieske stated that if there would be an issue with the Homeowners Association, if they submitted plans prior for review and presentation that could be considered for a variance. That way they still come before the respective board or commission and present their case.

Mr. Tadych brought up the idea of someone needing a larger play structure in their backyard because of caring for children in their home.

The committee members will continue to be in touch with Mr. Ebert so that something can be in place in September, after Council recess.

Architectural Board of Review for Residential Properties; Master Plan Discussion
Mrs. Lieske asked that the members of the Boards and Commissions receive a copy of the 2016 Master Plan. Mayor Koomar stated that the link has been sent out to the Master Plan on the city’s web site. There are also hard copies in the Council Chamber for review during meetings of the Boards. He stated that he would rather provide hard copies by specific request, since so many people do prefer electronic copies. The Secretary of the Boards and Commissions can email the members to see who would like a hard copy.

Mrs. Lieske stated that Mr. Barbour, Chairman of the Planning Commission, had discussed the possibility of a work session with the Planning Commission to actually look at some of the things in the Master Plan that they may wish to review by the Planning Commission. This may be the case with the other Boards and Commission as well. One of the main things for this evening, is the reference on Page 51 in the Master Plan to the Architectural Board of Review to develop design guidelines that insure future residential development in Bay Village is consistent with the character that makes it a desirable place to live. Following that, was to create design guidelines to address new development and major alterations and additions to existing homes.

Mr. Ebert found a document in the archives which he forwarded to the City Council that was done in 1994 that addressed these very subjects. There was a design group that worked with the Bay Village Planning Commission toward the creation of an Architectural Board of Review for the City of Bay Village. Mrs. Lieske noted that things mentioned in this study are still relevant today. The general consensus was that tighter design controls were needed for commercial structures, and these same controls might well prove to be a burden to homeowners. There was an interesting survey and map which revealed the location of the colonial houses, ranch houses, and all the different styles of homes. They talk specifically about “starter houses” and notes that the size of these homes is much smaller than the houses of today. It goes on to talk about some of the types of things that might be relevant for housing with an Architectural Board of Review. It refers to family type, dense residential neighborhoods which would refer more to Wards 1 and 2. One section suggests “to evaluate projects to determine the effect on nearby residences,” which is something the committee has been talking about when considering whether the Architectural Board of Review should include residential property. The document also talks about the types of alterations and the submission requirements and defines “rehabilitation.” There were specific standards set out that were included in the definition of “rehabilitation.” Mrs. Lieske stated that even though this document dates back to 1994, it is still relevant and useful for today.

Mr. Ebert suggested that a copy of this document be distributed to the chairmen of the Planning Commission, Board of Zoning Appeals, and Architectural Board of Review. The committee may be well served to have another meeting after there is time to review and digest this material before there is further debate regarding the Architectural Board of Review to include residential properties.

Mr. Mace pointed out that Page 43 of the document includes “neighborhood contacts.” It says that “although Bay Village is a fairly contemporary suburban community, it is nonetheless a dense, suburban environment with homes much more safely clustered than newer communities
to the south and west of the City." As a consequence, alterations to existing homes must not only blend in well with the existing structure, but neighboring structures as well. Every effort must be made to maintain the architectural harmony of the entire neighborhood and avoid even more crowding." It is pertinent today and is what we are challenging ourselves with at this time.

Mrs. Lieske noted that it also talks about the design consistency, the consistency of materials, windows, replacing deteriorated elements, surface cleaning, orientation, and scale. This is something that this committee has also discussed. They also wanted to make clear that if you are just replacing a garage with a similar garage that doesn’t fall under what they are reviewing. This is a good place to start.

The document also shows illustrations of all the historical homes in the City.

Mrs. Lieske thanked everyone for their attendance and participation this evening. The meeting adjourned at 7:24 p.m.

Karen Lieske, Chairman

Joan Kemper, Secretary
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING SECTION 1141.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING FIRST RESIDENCE DISTRICT/ACCESSORY BUILDINGS, STRUCTURES AND USES, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 1141.04 which presently reads as follows:

1141.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.
The following accessory buildings, structures and uses are permitted on a lot in a First Residence District.
(A.1) Air conditioners, as governed by C.O. Chapter 1359.
(A.2) Swimming pools, as governed by C.O. Chapter 1349.
(Ord. 71-80. Passed 6-7-71.)
(B) (EDITOR'S NOTE: This subsection was repealed by Ordinance 73-146, passed December 17, 1973. See Chapter 1163 for fence regulations.)
(C) Beach house or boat house not used for human habitation and so located that no part of such structure projects above the grade of the lot at the street line.
(D) In a dwelling or apartment used by a physician, surgeon or dentist as a private residence: office of such physician, surgeon or dentist, provided, however, that no window display or sign shall be used to advertise such use other than a sign permitted by C. O. 1179.10(B)1.
(Ord. 76-62. Passed 6-7-76.)
(E) In a dwelling or apartment used by a person as a private residence: a customary home occupation carried on by such person, provided, however, that no person other than members of the household shall be employed in connection therewith, and provided also, however, that no window display or sign shall be used to advertise such occupation.
(Ord. 54-42. Passed 4-9-54, Art. V, §4.)
(F) In a dwelling or apartment occupied as a private residence: rooms may be rented, provided, however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented and not more than two persons per residence, other than the principal occupant's family, shall be permitted to occupy such premises.
(Ord. 61-201. Passed 12-4-61.)
(G) On a lot occupied by an apartment house: community garage.
(H) Off-street parking spaces as required by Chapter 1191.
(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
(I) Signs as governed by C.O. Chapter 1179.
(Ord. 76-62. Passed 6-7-76.)
(J) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.
(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
be and the same is hereby amended to read:

1141.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.
The following accessory buildings, structures and uses are permitted on a lot in a First Residence District.

(A.1) Air conditioners, as governed by C.O. Chapter 1359.

(A.2) Swimming pools, as governed by C.O. Chapter 1349.

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(C) Beach house or boat house not used for human habitation and so located that no part of such structure projects above the grade of the lot at the street line.

(D) In a dwelling or apartment used by a physician, surgeon or dentist as a private residence: office of such physician, surgeon or dentist, provided, however, that no window display or sign shall be used to advertise such use other than a sign permitted by C. O. 1179.10(B).1.

(Ord. 76-62. Passed 6-7-76.)

(E) In a dwelling or apartment used by a person as a private residence: a customary home occupation carried on by such person, provided, however, that no person other than members of the household shall be employed in connection therewith, and provided also, however, that no window display or sign shall be used to advertise such occupation.

(Ord. 54-42. Passed 4-9-54, Art. V, §4.)

(F) In a dwelling or apartment occupied as a private residence: rooms may be rented, provided, however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented and not more than two persons per residence, other than the principal occupant's family, shall be permitted to occupy such premises.

(Ord. 61-201. Passed 12-4-61.)

(G) On a lot occupied by an apartment house: community garage.

(H) Off-street parking spaces as required by Chapter 1191.

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

(I) Signs as governed by C.O. Chapter 1179.

(Ord. 76-62. Passed 6-7-76.)

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

Recreational Courts. The term "recreational courts" means the surface area and permanent installation of structures, recreation equipment and appendants thereto, used in conjunction with recreation activities including tennis, basketball and any other similar recreational uses. Recreational courts shall not be used for go carts, motorcycles or other motorized vehicles.

(1) Recreational courts shall be constructed at grade level and be comprised of clay, grass, asphalt, concrete or other similar hard surface material:

(2) Recreational courts shall only be located in the rear yard:

(3) Recreational courts, fences and appurtenances shall conform to the setback requirements as set forth in Section 1149.01 of this Zoning Code:
(4) Fencing of the recreational courts shall comply with Chapter 1163, Fence Regulations;
(5) No floodlights, light poles or lighting of courts is permitted;
(6) The total recreational court area plus all other accessory uses on property shall not exceed the maximum percent of lot coverage as permitted in Section 1149.02 of this Zoning Code; and
(7) A building permit shall be required as set forth in Chapters 1303 and 1305 of the Building Code prior to the installation of any recreational court.

This Section shall not apply to any buildings, structures or uses erected prior to the effective date of this ordinance.

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

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

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

9-28-2017 LL