ORDINANCE NO. 15-79
INTRODUCED BY: Mrs. Lieske

First Reading 11-16-15
Second Reading 6-20-16

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

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

CHAPTER 1158
Attached Residence District

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

1158.01 INTENT.

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

(A) To regulate bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district; and

(B) To regulate density and distribution of population in accordance with a plan to avoid congestion and to maintain adequate services; and

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

(D) To promote the most desirable and beneficial use of the land based on the Master Plan and directed to bring about the eventual conformity with said Master Plan as it may be amended.

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

1158.02 DEVELOPMENT PLANS.

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

(A) Preliminary Plans:

(1) Plan Requirements:

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

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

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

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

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

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

(2) Submittal of Plans:

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

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

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

(3) Approval of Plans:

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

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

(B) Final Development Plans:

(1) Plan Requirements:

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

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

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

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

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

(2) Submittal of Plans:

(a) Presentation of final plans shall be made to the Planning Commission.

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

(c) When development given preliminary approval is to be constructed in two or more phases, final plans shall be submitted separately for each phase, prior to scheduled construction.

(3) Approval of Plans:

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

(b) Only when final or revised final plans are acceptable to the Planning Commission without modification, shall final approval be given.

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

1158.03 BUILDING AND OCCUPANCY PERMITS.

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

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

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

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

1158.04 PERMITTED BUILDINGS, STRUCTURES AND USES.

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

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

1158.05 ACCESSORY BUILDINGS, STRUCTURES AND USES.

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

(A) Automobile storage facilities including enclosed garages.

(B) Recreation facilities, such as swimming pools, sauna baths and tennis courts, for the exclusive use of residents and their guests.

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

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

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

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

1158.06 DEFINITIONS.

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

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

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

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

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

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

1158.07 AREA AND HEIGHT REGULATIONS.

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

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

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

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

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

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

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

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

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

1158.08 YARD AND RELATED REQUIREMENTS.

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

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

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

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

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

B = the combined Base Factor of 2 adjacent buildings	=	40 feet
H = the combined Height Factor	=	5 feet per 10 feet of combined building height
L = the combined Length Factor of two adjacent buildings	=	One foot per 10 feet of combined main wall length

CROSS REFERENCES
See diagram 1 (insert)

MINIMUM DISTANCES BETWEEN BUILDINGS

Main Walls Do Not Overlap
Within 0° - 180° Main Walls Overlap
Within 0° - 180°

Schedule 1158.08(D) - MINIMUM DISTANCES BETWEEN BUILDINGS
Where MAIN WALLS of Adjacent Buildings: Within Degrees
of Parallel: Minimum
Requirement

Overlap	0° - 30° B + H = L
30° - 60°	B + H + ½L
60° - 120°	B + H
120° - 150°	B + H ½L

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

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

Minimum Distances (Feet)
From Dwelling

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

* or attached to building

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

(1) The main wall, meaning any exterior wall containing the principal windows of a living, dining or sleeping room or rooms.

(2) The end wall, meaning any exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, or principal or minor windows of a kitchen or bathroom, or a blank surface.

(3) Private drives at all locations except at the garage entrance or main entrance of the dwelling served.

(4) Walks used by the public at all locations except at the entrance to the dwelling served.

(5) Recreation areas, meaning areas used for active play.

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

(G) Projections of Building Features:

(1) Intent. A projection is that part or feature of a building which extends outside of the enclosing walls and makes the enclosed space more usable. It is intended that certain features may project into required yards, but they shall be regulated as herein set forth so that they will not substantially interfere with the reception of sun, light and air on adjacent lots.

(2) Types of Projecting Features.

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

a. Architectural Feature. A belt course, balcony, bay window, cornice, chimney, solid overhang, or shading device.

b. Entrance Feature. A platform, landing, steps, terrace or other features not extending above the level of the floor of the first floor level of a building.

c. Shelters, Enclosed. An enclosed entry or porch.

d. Shelters, Unenclosed. An entrance hood or open but roofed porch.

(3) Projection Limitations. Building features may project into required front and side yards of a dwelling, but shall not project more than set forth in the following schedule:

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

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

1158.09 PARKING REQUIREMENTS.

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

(1) No parking areas or access drives shall be constructed within 20 feet of any Attached Residence building.

(2) No parking area shall be closer than 20 feet from the side or rear property line abutting a street.

(3) Landscaped islands and planting areas shall be designed so that no more than eight parking spaces shall be contiguous.

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

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

(2) Guest Parking. One space per unit.

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

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

1158.10 STREET AND ACCESS REQUIREMENTS.

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

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

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

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

(2) Dedicated Cul-de-Sacs. Dedicated cul-de-sacs shall not exceed 600 feet in length nor provide direct or indirect access to no more than 30 units.

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

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

(5) Individual Driveways. No individual driveway shall be more than 50 feet in length nor provide access to more than two units.

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

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

1158.11 OPEN SPACE REQUIREMENTS.

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

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

1158.12 LANDSCAPE PLANTING AND DESIGN.

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

1158.13 OTHER SITE IMPROVEMENTS.

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

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

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

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

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

1158.14 MAINTENANCE AND USE OF PUBLIC AND COMMON AREAS.

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

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

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

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

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

(1) Place title of common property in a form of common ownership by the owners and/or residents of the area, e. g., a duly constituted and legally responsible home association, cooperative, etc.

(2) Appropriately limit the use of common property.

(3) Place responsibility for management and maintenance of common property. Council, at its discretion may require the applicant to obtain City services, for maintenance of commonly held properties where the public health, safety and/or welfare may require.

(4) Place responsibility for enforcement of covenants.

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

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

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

1158.15 SOLID WASTE DISPOSAL.

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

1158.16 COMPLIANCE WITH CODE.

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

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

be and the same is amended to read:

CHAPTER 1158
Attached Residential District

1158.01 Intent.
1158.02 Qualifying Condition.
1158.03 Permitted Buildings and Structures.
1158.04 Development Requirements.
1158.05 Review and Approval.
1158.06 Compliance with Code.

1158.01 INTENT.

The Attached Residential District and its regulations are established to achieve the following purposes:

(A) To provide alternative housing choices to accommodate current residents as they enter new life phases;
(B) To support the goals and recommendations of the City's 1999 Master Plan and the Retail Improvement Strategy relative to housing options, redevelopment and infill;
(C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability;
(D) To provide an appropriate transitional use between single family residential and non-residential uses;

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

1158.02 QUALIFYING CONDITION.

Consistent with the intent, this district shall only be established in locations specifically identified in the current approved Master Plan for the City of Bay Village and the 2004 Retail Improvement Strategy as development, redevelopment or infill sites for townhouse, condominium or multiple family residential. Properties located along arterial or collector streets adjacent to retail and service uses may also lend themselves to the uses permitted in this district.

1158.03 PERMITTED BUILDINGS AND STRUCTURES.

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

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

(1) Recreation facilities, such as swimming pools (See Section 1349.01), clubhouses, sauna baths and tennis courts, for the exclusive use of residents and their guests.
(2) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.
(3) Detached garages.

1158.04 DEVELOPMENT REQUIREMENTS.

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

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

TABLE 1158-4 Spatial Requirements

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

Maximum lot coverage (percent)	Buildings	45	40
	Pavement and buildings	50	45
Maximum units per building		6	2
Minimum finished livable floor area (square feet)	1 bedroom	900	
	2 bedroom	1,200	
	3 bedroom	1,400	
	Additional bedrooms	150/added bedroom	

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

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

Table 1158-4a Projections into Required Yard Setbacks

Architectural Feature	Allowed Projections into a Required Yard		
	Front Yard	Side Yard	Rear Yard
Accessory structures, detached	See *Section 1149*		
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a minimum 3-foot side yard setback		
Air conditioning units, generators and other mechanical equipment	None	3 ft.	3 ft.
		No more than 5 ft. from the building	
Arbors, trellises and pergolas (attached to principal building)	5 ft.	3 ft.	10 ft.
Awnings and canopies			
Balconies (uncovered)	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Eaves and gutters	2 ft.	2 ft.	2 ft.
Fences and walls	See *Section 1163*		

Table 1158-4a Projections into Required Yard Setbacks			
Architectural Feature	Allowed Projections into a Required Yard		
	Front Yard	Side Yard	Rear Yard
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed [1]	4 ft.	None	Up to 15 ft. from a rear lot line
Porches, decks and stoops, uncovered and unenclosed [1]	4 ft.	3 ft.	10 ft.
Stairways (not including steps to main floor entry) and below-grade stairwells	None	3 ft.	10 ft.
Window wells and egress windows, below grade	3 ft.	3 ft.	3 ft.

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

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

(1) Open space shall meet the following standards:
   a. Provide spaces for the common use of all residents of the townhouse development or sufficient yards adjacent to each unit for the use of the residents of those units;
   b. Common open space areas shall be centrally located or distributed throughout the development to provide convenient access in close proximity to all residents;
   c. Preserve significant natural features on the site, including mature trees;
   d. The Planning Commission may reduce the open space requirement, based on a finding that one or more of the following conditions exists:
      i. The subject site abuts or is directly across the street from a public park or similar dedicated public open space area;
      ii. The site is adjacent to a dedicated non-motorized trail or pathway that provides access for pedestrians and cyclists to City parks in relative proximity to the subject site; or
      iii. The proposed development will provide one or more natural preserves and/or common activity areas for its residents that are of significant size and configuration to fulfill the spirit and intent of the open space requirement.

(D) Common Areas:

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

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

(2) All common property shall be fully improved by the applicant prior to issuance of an occupancy permit, including all utilities, landscaping, lighting, walkways and streets through or abutting the property; provided, the chief building official may issue an occupancy permit prior to completion of landscaping if it is determined that weather conditions prevent timely completion of the landscaping and a financial guarantee is posted to assure that all improvements will be completed within 120 days of receiving the occupancy permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) Landscaping: For all residential development in the District, except a single building containing a two-family dwelling on one (1) lot, a landscape plan, prepared by a landscape architect registered in the State of Ohio, shall be submitted for Planning Commission approval in accordance with the following minimum requirements:

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

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

a. Minimum width of 10 feet;

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

c. Three (3) foot high continuous sight-obscuring screen composed of plant material, berms, walls, fences or any combination approved by the Planning Commission;
d. If berms are used for any part of the buffer, they shall contain one (1) shrub for every 10 feet of berm length in addition to the requirements of subsection (2)b. All required plant material shall be placed on the top or side slope of the berm facing the exterior property line;
e. If a wall or fence is used for any part of the buffer, a minimum of one (1) shrub for every 10 feet of wall or fence shall be placed along the exterior side in addition to the requirements of subsection (2)b. At least half of all shrubs shall be a minimum of 24 inches high at the time of planting;
f. All areas within the buffer strip not containing trees, shrubs or planting beds shall be planted with grass and other living ground cover; and
g. In order to promote better design and a more natural appearance, the required trees and other plant material need not be uniformly spaced. Clusters or groupings of plant material may be permitted; provided, the intent of the buffer strip to provide separation and screening from adjoining uses is achieved.

(3) Landscaped islands shall be provided within parking areas to reduce the visual impact of parking upon the development. At a minimum, a landscaped island at least nine (9) feet wide and 180 square feet in area shall separate each eight (8) contiguous parking spaces. Each island shall contain trees and/or other living plant material to provide visual relief and physical separation of parking spaces.
(4) Screening shall be provided around all outdoor trash dumpsters, as follows:
a. Solid sight-obscuring fence or wall six (6) feet high;
b. Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use;
c. The fence or wall shall be constructed of masonry, treated wood or other material approved by the Planning Commission if determined to be attractive, durable, weather resistant, rust proof and easily maintained. Chain link and barbed wire fences are not permitted.

(H) Building Materials and Design Standards: Exterior design of all principal and accessory buildings shall complement the character of the adjacent neighborhood with respect to building materials, details, roof pitch, setbacks and scale. However, at a minimum, the following standards shall apply, unless a modification is permitted, as specified in Section 1158.05 H:
(1) Exterior Materials.
a. Primary: At least 80 percent of the building exterior shall consist of:
i. brick and tile masonry (or synthetic equivalent),
ii. native stone (or synthetic equivalent),
iii. hardie-plank or equivalent, and/or
iv. wood siding.
b. Accent: No more than 20 percent of any façade may consist of:
i. pre-cast masonry (for trim and cornice elements only),

ii. gypsum reinforced fiber concrete (GFRC – for trim elements only),
iii. metal (for beams, lintels, trim elements and ornamentation only), and/or
iv. split-faced block (for piers, foundation walls and chimneys only).

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

a. Transparency: Windows and doors shall comprise at least 25 percent of the front façade and the street side façade for units abutting a public street.
b. Front entry: Each dwelling unit shall have a front door facing a street or public open space that is accessed from a stoop or porch.
   i. a stoop shall have a minimum depth of four feet and a minimum area of 24 square feet;
   ii. a front porch must be at least eight feet deep, with a width equal to at least 40 percent of the width of the dwelling unit;
c. Roofs:
   i. Pitched roofs shall have at least a 4:12 but not more than a 12:12 pitch. Mechanical equipment located on the roof shall be on the back half of the building and screened on all sides so as not to be visible as observed from the sidewalk or pavement edge of the street.
   ii. Flat roofs shall be enclosed by a parapet which shall be high enough to conceal mechanical equipment as observed from the sidewalk or pavement edge of the street.

1158.05 REVIEW AND APPROVAL

(A) Pre-application Meeting: Prior to submitting an application for rezoning to or development plan approval, the applicant shall conduct a meeting with surrounding property owners for the purpose of explaining the proposed development and soliciting comments and suggestions relative to the proposal. It is suggested that such meeting be conducted as a work session to obtain feedback that can be incorporated into the design and layout of the proposed project prior to formally submitting an application.

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

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

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

(E) City Council Action: Upon receiving the Planning Commission recommendation regarding the rezoning, the City Council shall vote to approve or disapprove the change

in zoning, District; provided, any approval by Council shall be subject to Section 7.6 of the City Charter.

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

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

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

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

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

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

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

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

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

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

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

f. Exterior Uses. Outdoor storage areas, parking areas, trash receptacles, heating and cooling units and similar accessory areas shall be located to

have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.

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

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

1158.06 COMPLIANCE WITH CODE.

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

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

and present Section 1158 is hereby repealed.

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

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

PASSED: December 12, 2016

Paul Koan
PRESIDENT OF COUNCIL

Joan T. Kemper
CLERK OF COUNCIL

APPROVED: December 13, 2016

MAYOR

11/30/16 LL