

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE CHAPTER 1149 REGARDING**  
**ACCESSORY USE OR STRUCTURE, RESIDENCE DISTRICT,**  
**AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Bay Village wishes to update its code regarding accessory uses and structures in residence districts to preserve the citizens' quiet enjoyment of their residential properties;

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

**SECTION 1.** That Codified Ordinance Section 1149 which presently reads as follows:

**Chapter 1149 - ACCESSORY USE OR STRUCTURE, RESIDENCE DISTRICTS**

**1149.01 - Location.**

An accessory building, structure or use, except in Business Districts, shall be located on a lot at least ten feet behind the outer rear wall of the main building or structure located upon such lot and at least three feet from any lot line. On a corner lot the rear line of which coincides with the side line of a lot in a Residence District, such accessory building, structure or use shall be located at least 25 feet from the side line of such lot which coincides with a street line at least ten feet from such rear line. In a Residence District the location of an accessory building, structure or use on a lot used for main buildings, structures or uses permitted by Section 1145.01(B) shall conform with the restrictions applicable to main buildings, structures or uses in such district. (Ord. 78-153. Passed 12-18-78. )

**1149.02 - Area limitations.**

In a First Residence District and Third Residence District not more than 30 percent of the rear yard area of a lot shall be occupied by permitted accessory buildings, structures or uses. However, this limitation shall not apply to driveways and open parking spaces in nonresidential uses contained in Section 1141.01(C), provided suitable buffers are installed. (Ord. 79-43. Passed 4-2-79.)

**1149.03 - Height limitation.**

The height of an accessory building or structure in Residence Districts shall be limited as provided in Chapter 1151. (Ord. 54-42. Passed 4-29-54. Art. V, §3)

**1149.04 - Prohibitions.**

(a) The rebuilding, overhauling, or dismantling of a motor vehicle or the storage of motor or body parts in an open yard is prohibited, nor shall anyone store, place, or allow to remain a motor vehicle in an inoperative condition, or unfit for further use as motor vehicles, and/or automobile parts on private or public property unless kept within a building. Any repairing of any type of motor vehicle in any Residential District by owners of the vehicles, or members of their household, must be completed within a period of 72 hours

and if repairs are such that more than 72 hours are necessary to repair the motor vehicle, the repairs shall not be performed in any Residential District located within the City, unless kept within a building.

- (b) No trucks over three-fourths ton capacity may be stored on any lot in any Residential District unless stored in a garage or behind set back line and is used solely by the occupant of the dwelling. (Ord. 76-33. Passed 3-1-76.)

**1149.05 - Attached garages.**

- (a) *Right to attach.* Attached to or form part of a living unit if separated from said living unit by walls, partitions and ceilings of materials to restrict the passage of gases, smoke and odor from the garage to other parts of the building.

The garage area shall relate to the house area as follows:

House Area + square feet + square feet	Maximum Attached Garage Area square feet
1999 or less	600
2000 to 3999	900
4000 to 5999	1200
6000 and larger	1500

- (b) *Construction requirements.* The ceiling and interior faces of all frame walls of every garage, any part of which is attached to a dwelling house either directly or by a breezeway, shall have a fire-resistance rating of not less than one hour.
- (c) *Requirements where connecting door.* Where there is a door opening between the garage and the living unit, the garage floor shall pitch away from that door opening at a slope of not less than one-fourth inch per foot. Such opening shall be provided with a self-closing door of metal, metal covered, solid wood or other approved type having a fire-resistance rating of not less than one hour.
- (d) *Living quarters above.* Where living quarters are located above the garage, such quarters and egress facilities shall be protected from the garage area by construction having a fire-resistance rating of not less than one hour.
- (e) *Basement garages.* Basement garages shall be continuously ventilated by a mechanical ventilating system with positive means for both the inlet and exhaust of at least one cubic foot of air per minute per square foot of floor area. Control of either the exhaust or inlet fan shall be close to the entrance door. (Ord. 13-99. Passed 2-24-14.)

**1149.06 - Detached garages.**

(a) *Height and size.* No detached garage shall be in excess of 18 feet in height to the peak of the gable. The area of a detached garage shall be related to the house area as follows:

House Area Square Feet	Maximum Detached Garage Area
1,999 or less	700
2,000 to 3,999	1,000
4,000 to 5,999	1,300
6,000 and larger	1,600

Detached garages shall be related to the habitable size of the house and may not exceed 30 percent of the rear yard. (Ord. 13-99. Passed 2-24-14.)

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

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**1149.07 – Recreation Courts.**

Sports, training and/or recreational structure, outdoor courts, ice skating or sports rinks, playground equipment, and like uses or structures including all illumination, shall require a special permit issued by the Board of Zoning Appeals (Section 1121.42). The Board of Zoning Appeals shall use the following criteria:

- (a) Shall be constructed at grade level and be comprised of clay, natural or artificial grass, concrete, or other hard surface material.
- (b) Shall only be located in the rear yard, and conform to the setback requirements as set forth in Section 1149.01 of this code.
- (c) Fencing, as required, will comply as governed by C.O. Chapter 1163.
- (d) Recreation courts shall not be used for any propelled or motorized vehicles or devices of any kind.
- (e) Outdoor lighting fixtures installed in commercial, manufacturing, residential and multi-family districts shall comply with the following:
  - (1) Only fully shielded luminaires shall be utilized.
  - (2) Cut-off angle or placement of all luminaires will be such that the level of lighting shall not exceed eleven lux at any property line measured by meter line

of sight to any luminaire. No direct light will be allowed to trespass onto other properties other than light incidental to fully shielded lighting.

- (f) The Board of Zoning Appeals may set hours of use for the structure or use as a requirement of the special permit.

**1149.08 - Permitted Accessory Uses/Home Occupations.**

- (a) The intent of this section is to set forth regulations which control the establishment and operation of home occupations and to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory, incidental and subordinate use and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood or building in which it is located.
- (b) Any home occupation, full or part time, shall be permitted as an accessory use in residential districts subject to the following conditions:
  - (1) A home occupation per this Zoning Code is considered an accessory use, including the principal use of the home for providing supervision, personal care services and habilitation services to individuals under license issued by the State of Ohio.
  - (2) Must be conducted within a dwelling or an accessory structure, or both, and located on the same lot as the principal building or use, except for the use of phones, computers and other personal electronic communication devices.
  - (3) Shall be incidental and subordinate to the principal use of the lot and shall not create a hazard to neighboring properties.
  - (4) Only those who reside at the premises may participate or work in the home occupation(s). Home occupations delivering supervision, personal care services and habilitation services to individuals under license issued by the State of Ohio are exempt from this limitation.
  - (5) No equipment, process, materials or chemicals shall be used in such home occupation which creates noise, above 70 decibels between the hours of 9:00 PM and 8:00 AM, or which creates vibration, glare, noxious fumes, hazardous waste, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any electronic receivers, or causes fluctuations in line voltage off the premises.
  - (6) Shall not involve the storage or use of hazardous, dangerous or odorous materials as outlined in U.S. Department of Transportation (DOT), nor shall occupation use constitute a fire hazard endangering the site or adjoining property.
  - (7) Exterior signage or change in the outside appearance of the building or premises shall not be permitted indicating any home occupation.
  - (8) No on-site retail sale of goods shall be permitted.

- (9) No vehicle repair, mechanical repair or servicing shall be permitted.
- (10) No home occupation shall require the daily services of a commercial freight carrier. This sub-section shall not prohibit those delivery services normally and customarily associated with residential uses.
- (11) No wholesale, jobbing, or retail business shall be permitted unless it is conducted entirely by mail, telephone, or electronically and does not involve the receipt, delivery, sale or storage of merchandise on or from the premises.
- (12) No exterior alterations or building additions to accommodate the use shall be permitted. Home occupations delivering supervision, personal care services, group home and habilitation services to individuals under license issued by the State of Ohio are exempt from this limitation.
- (13) No activity shall cause an increase or burden in the use of one or more public utilities so that the combined use of the residence and occupation does not exceed the average use for residences in the neighborhood or clustered living units.

**1149.09 - Enforcement.**

- (a) Violations of this code section are subject to the provisions of section 1123.99.

**and present Section 1149 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: July 13, 2023

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

APPROVED: July 13, 2023

  
MAYOR