

AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 1175.04 REGARDING
SENIOR CITIZENS' HOUSING, AND DECLARING AN EMERGENCY

WHEREAS, Council wishes to reduce the current maximum allowed height permitted in a Senior citizens' housing development from 80 feet to 35 feet;

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

SECTION 1. That Codified Ordinance Section 1175.04 which presently reads as follows:

• **1175.04 - Senior citizens' housing.**

In a Commercial Business District, buildings, structures and land may be used and buildings erected for Senior Citizens' housing if approved in accordance with the procedures, standards, criteria and conditions set forth herein.

Senior Citizens' housing means a building or group of buildings, containing apartments or other dwelling units designed and administered for the special needs of elderly persons, together with related recreation, social and health facilities, administered in such a manner as to restrict occupancy to persons 62 years of age or older or, in the case of married couples, one of whom is 62 years of age or older.

Sites shall be selected and Senior Citizens' housing shall be designed, erected, altered, maintained and occupied only in accord with the criteria, regulations and conditions as set forth in this section.

- (a) *General purposes, criteria.* Provisions for the development of Senior Citizens' housing are established in order to achieve, among others, the following purposes:
- (1) To provide appropriate sites for the development of such housing and essentially related facilities in locations convenient and within safe walking distance to the community's social and welfare facilities, convenient to shops and public transportation and otherwise satisfying the occupant's physiological needs;
 - (2) To regulate the density of population so as to provide ample outdoor livable space, to retain a sense of personal identity, intimacy and humane scale within the development;
 - (3) To provide in such developments, ample meeting rooms and recreational facilities for the comfort and convenience of the occupants;
 - (4) To regulate the bulk, height and spacing of buildings, the circulation and parking pattern within the development in order to obtain adequate light, air, privacy and open space for passive recreation and landscaped amenities; and
 - (5) To protect adjacent residential properties by requiring adequate yards and screening and to protect and insulate the development from surrounding incompatible uses.

(b) *Main and accessory uses.*

- (1) Permitted main uses for occupants shall be dwellings, such as apartments or attached dwellings.
- (2) Permitted accessory uses for occupants, guests and employees shall be:
 - A. Health facilities, medical and nursing care rooms;
 - B. Social facilities, assembly and semiprivate rooms;
 - C. Recreation facilities, hobby, craft, physical therapy rooms;
 - D. Services, dining, snack bar;
 - E. Storage, for housekeeping functions and storage of occupants' possessions;
 - F. Administrative and maintenance services;
 - G. Off-street parking and garage facilities;
 - H. Other related facilities and services.

(c) *Occupancy and area of dwelling unit.*

- (1) *Occupancy.* The occupancy of any of the dwelling units shall be limited to not more than two persons in an efficiency unit (living, dining and sleeping area combined) or in a one-bedroom unit. Any owner, manager, operator or persons in charge of such a housing development who knowingly allows occupancy of any such unit in violation of this provision shall be deemed guilty of a misdemeanor.
- (2) *Floor area.* The "finished livable floor area," as defined in Section 1121.17, for the various types of dwelling units shall be not less than the following:

Efficiency or no-bedroom dwelling unit: 340 square feet

One-bedroom dwelling unit: 450 square feet

The floor area of each residential building assigned to health, social and recreational facilities, as enumerated in part in subsection (b) herein, shall be not less than 20 square feet per dwelling unit.

(d) *Lot area regulations.*

- (1) *Lot area.* The lot area to be provided for such housing shall be not less than 400 square feet for each dwelling unit in the development.
- (2) *Land coverage.* The maximum land coverage by the building shall not exceed 20 percent of the area of the lot. The minimum outdoor livable area, lot area minus ground area of buildings, driveways and parking areas, shall be not less than 35 percent of the lot area.

(e) *Yard regulations.* The buildings shall be arranged so as to assure privacy between adjacent residential buildings and intersecting wings of buildings, from streets, parking areas and so as to provide insulation from adjacent nonresidential buildings and uses.

- (1) *Setbacks.* The setbacks shall be not less than that required in the Third Residential District, provided the front yard depth measured from the abutting street right-of-way line shall be not less than the height of the building at the respective wall lines.
- (2) *Side and rear yards.* The side and rear yards and yards between buildings shall be related to the height and length of the building and the use of adjacent yards. The side and rear yards between a Senior Citizens' residential building and the common lot lines with an adjoining residential or nonresidential use, shall be not less than the height plus the length of the building divided by the factor eight. The distance between residential buildings or side yards within a Senior Citizens' development shall be not less than the total height plus length of the walls of opposing buildings, divided by the factor six.
- (3) *Location of parking areas and driveways.* Parking areas and driveways shall be located not less than 25 feet from the exterior walls of the main building if the wall contains windows of habitable rooms. At the building entrance, the driveway shall be located for the convenience, protection and safety of the passengers.
- (f) *Height regulations.* The maximum height of any main building shall not exceed eight floors above grade. In addition, there may be a penthouse to enclose the mechanical equipment if designed as an integral part of the building as well as additional height for a chimney and radio tower.
- (g) *Off-street parking.* Off-street parking areas and driveways shall be designed and constructed in accord with the provisions of Sections 1191.05 and 1191.07 to 1191.09. Parking spaces shall be provided as follows: one-third space for each one-bedroom and each efficiency unit.
- (h) *Exterior illumination.* Exterior illumination shall be provided for the safety and convenience of residents and their guests and employees, but shall not be of excessive brightness and shall not be placed in such a way so as to cause annoying glare or reflections on neighboring premises, the public streets or the occupants of the building.
- (i) *Site planning criteria.* In addition to the standards and criteria set forth hereinbefore in this section, a Senior Citizens' housing project shall be designed specially for this age group, incorporating necessary safety and convenience features. In general, the site amenities provided shall be more attractive than for multi-family projects, since these people spend nearly all their time inside or on the site.

The yards and passive recreation areas shall be fully landscaped. There should be a composition of small, intimate, private yard and court areas for a variety of passive activities. Safety must be emphasized in the design. The interior of the site shall be assigned generally to pedestrian use. Vehicular circulation drives shall be located at the perimeter of the project. Parking areas may penetrate into the perimeter of the site. Abrupt grades shall be avoided and all changes in grades in the walk system shall be accomplished by ramps.

All buildings of two or more stories shall be served by at least two elevators, the minimum size being five feet by seven feet each.

- (j) *Plan review and approval.* A site plan and general building plans showing the proposed development of the site and the design, location and uses of buildings, other structures

and open spaces as proposed, together with applications for approval thereof, shall be submitted to the Planning Commission. On the date of such filing, a copy of each of such documents shall also be filed by the applicant with the Building Commissioner.

The Commission shall, within 60 days after such filing, and after public hearing, approve, deny or approve with conditions, such application. Such approval of an application shall be given if the Commission finds that the building, structure or use will, in the judgment of the Commission, comply with the applicable provisions of the Zoning Code, substantially serve the public convenience and welfare and will not substantially and permanently injure or interfere with the appropriate or existing permitted use of neighboring property.

Within five days after approval, the secretary of the Commission shall file a certified copy thereof with the Clerk of Council and a copy with the Building Commissioner. The filing with the Clerk of Council shall be reported by the Clerk of Council to Council at the next regular meeting thereof following such filing. Thirty days thereafter, the action of the Commission shall become effective unless prior thereto Council by resolution, adopted by a concurring vote of two-thirds of the members thereof, shall have reversed such action. However, if, prior to the expiration of such 30 days, Council by a concurring vote of a majority of the members elected thereto shall approve such action, the same shall thereupon become effective.

No modification or change in any building, structure or use so approved shall be made except upon application to the Commission and after approval thereof as required herein for the building, structure or use, sought to be modified or changed.

(Ord. 69-102. Passed 11-17-69.)

be and the same is amended to read:

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(f) *Height regulations.* The maximum height of any main building shall not exceed three floors or 35 feet above grade. In addition, there may be a penthouse to enclose the mechanical equipment if designed as an integral part of the building as well as additional height for a chimney and radio tower.

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The Commission shall, within 60 days after such filing, and after public hearing, approve, deny or approve with conditions, such application. Such approval of an application shall be given if the Commission finds that the building, structure or use will, in the judgment of the Commission, comply with the applicable provisions of the Zoning Code, substantially serve the public convenience and welfare and will not substantially and permanently injure or interfere with the appropriate or existing permitted use of neighboring property.

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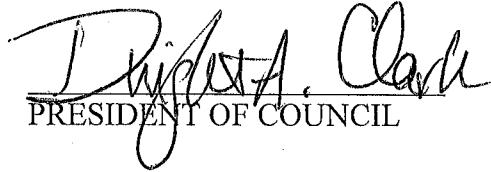
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and present Section 1175.04 is hereby repealed.

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, and for the further reason that it is necessary to provide guidelines for future construction, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: December 20, 2021


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: December 20, 2021


MAYOR

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